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ABSTRACT

This selective, annotated bibliography provides guidance to the source and content of a small proportion of the existing publicity about rape. Non-English-language publications, as well as those receiving only limited distribution, are excluded. All materials are recent, most having been published during the 1970's. Outdated materials, such as those on rape laws which were superseded by statutory changes, are excluded. Most materials were issued by sources generally labeled "learned," such as scholarly books and professional journals. A total of 153 entries are included, under headings such as Sociocultural and Descriptive Features of Rape, Legal Issues and Legislative Reform, and Investigation of Rape. A brief review of relevant literature precedes the bibliography. (Author/BP)

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Forcible Rape

A Literature Review
and Annotated Bibliography

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National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

Forcible Rape

A Literature Review
and Annotated Bibliography

by

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May 1978

National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
United States Department of Justice

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FORCIBLE RAPE: A LITERATURE REVIEW

INTRODUCTION TO THE LITERATURE ON RAPE

In 1974, in an introduction to an earlier and unannotated rape bibliography, the present authors and a colleague noted that the "Criminal offense of forcible rape has become, since about 1969, a rallying topic for the women's liberation movement in the United States, transforming what until that time had largely been the subject of only criminological and legal concern to one with considerably extended social notoriety."[1]

Since 1974, that notoriety has extended still further, producing a veritable explosion in the volume of publicity about rape. Almost certainly in the present decade, and possibly in those past, no single crime has received so sustained and widespread attention from so diverse a range of sources. Thus, the crime of rape has been the principal subject of numerous books, articles, television documentaries, films and official inquiries, both in the United States and in other countries. There are probably few legislatures in the common law world which have not recently either debated or passed some rape-related measures. In the United States alone, a contemporary survey showed that 37 states had enacted laws affecting the crime of rape during the past three years.[2]

In this annotated and selective bibliography, it is our intention to provide guidance to the source and content of a small proportion of this publicity about rape. Locating and keeping up to date with the outpouring of materials from scholarly literature alone presents a formidable task. An accumulated total of 250 separate items were considered for potential inclusion in this bibliography, excluding non-English language publications. The latter omission was based on a general desire to annotate only references which could be readily obtained and used by readers of this bibliography. In a similar vein, materials receiving only limited distribution in the form of privately circulated reports, unpublished papers, and the like were also excluded by the bibliographers in the course of their thorough and intensive review of all available literature on this subject.

In addition to the above selection criteria, the following factors were, with certain limited exceptions, taken into consideration in reaching a decision to choose the 152 items finally listed in the bibliography.

- Materials that were recent. Most items were published during the last 10 years, mainly during the 1970's.
- Materials that were not outdated. For example, many articles on rape law had been superseded by subsequent statutory changes.
- Materials that appeared in a form and were issued by a source generally labeled "learned". Readers will note, however, that certain bibliographic license has been taken in order to include journals such as *Playboy* and *The New York Times Magazine* in this category.
- Materials that were not duplicative. In cases where several articles existed on exactly the same subject, one was chosen which seemed to be most comprehensive and/or most frequently cited in the literature.

Not surprisingly in a literary field so liberally planted, the crop is not always of uniform quality. Apart from substantial duplication of materials, the rape literature is replete with ideological references to the women's liberation movement which, as mentioned earlier, was the major catalyst spurring fresh attention to the crime of rape. In some cases, the references are couched in decidedly polemic terms, casting

doubt on the objectivity of the expressed ideas, research results, and comments. In other cases, the literature—and especially that written prior to the mid-1970's—exhibits unenlightened views and attitudes which can be labeled "male chauvinist" and which have been rightly castigated and rebutted by feminists.

As bibliographers, we have sought scrupulously to avoid qualitative judgments in our selection and abstracting of the rape literature. However, we do feel an obligation to attempt some guidance to the users of this document which goes beyond the process of labeling and describing contents of various publications on rape. What follows in this introduction, therefore, is a brief qualitative overview of the rape literature.

I. Socio-Cultural and Descriptive Features of Rape

The items abstracted in this category include the most eclectic, and potentially controversial, of all the literature on rape. Two major works preempt the field—Menachem Amir's *Patterns of Forcible Rape* and Susan Brownmiller's *Against Our Will: Men, Women and Rape*.[3] Amir and Brownmiller adopt very different approaches to their subject: Amir, the academic researcher, reports the results of a landmark behavioral science study of the crime of rape for a primarily academic audience, while Brownmiller synthesizes a vast array of historical and allied material in order to present an ideological view of rape aimed at a far broader audience.

Both Amir and Brownmiller have had their critics. Amir's book, which has been more widely cited than any other single source in the rape literature, is annoyingly flawed by poor proof reading and editing, as well as by some questionable methodology. The author also espouses a now-controversial theory of victim precipitation regarding rape. This theory is described succinctly by Brownmiller in the following terms: "Precipitation is a new concept in criminology. It does not hold the victim responsible, but it seeks to define contributing behavior. Victim precipitation says, in effect, an unlawful act has been committed but had the victim behaved in a different fashion, the crime in question might have been avoided. Part *a priori* guesswork and part armchair detective fun-and-games, the study of victim precipitation is the least exact of the sociological methods, for it rests in the final analysis on a set of arbitrary standards."[4]

In the case of rape, the theory places blame for the commission of the crime on both the victim and the offender in varying degrees, depending upon the circumstances of the offense. Not surprisingly, this has been fiercely criticized as perpetuating many of the myths about rape so commonly held and expressed in contemporary society.

Brownmiller's critics have focused mainly upon her stated view that since prehistoric times rape was "nothing more or less than a conscious process of intimidation by which *all* men keep *all* women in a state of fear."[5] One female reviewer of *Against Our Will* found the central sexual conspiracy theory to be "generally facetious intellectually", while another reviewer, a male anthropologist, suggested it was based upon "dreadful and simply wrong anthropology."[6]

Despite such attacks, Amir's and Brownmiller's books stand as landmarks against which all other literature on rape must presently be measured. In the case of behavioral science studies, surprisingly little of substance has been produced since Amir's work, which was based on an analysis of police records of rape in Philadelphia in 1958 and 1960. While other researchers have used many of the demographic categories first formulated by Amir to compare and contrast patterns of rape in other jurisdictions, no significant replication of Amir's work has been attempted on a national scale.

Turning from Amir and Brownmiller to other books referred to in this section of the bibliography, mention should be made of MacDonald's *Rape Offenders and Their Victims.*[7] Although an often-cited and quite comprehensive study, MacDonald's presentation of the problems of rape tend to lack balance and perspective. First, the author makes frequent moral judgments about suggestive behavior and dress of women who are raped which reflect the thinking of the pre-1970's, before the awakening of real concern and interest in the victim. Second, MacDonald seems unduly sympathetic to the rapist, devoting a chapter to the injustices perpetuated by the courts towards offenders while making no mention of the plight of the victims in the courtroom. For such attitudes to be expressed in an authoritative source seems strange today, but it must be remembered that most of those who wrote about rape prior to the advent of the women's movement were equally one-sided. Finally, in addition to its male bias, MacDonald's book also contains a variety of outdated statements. For instance, new laws enacted in many jurisdictions restrict the admissibility of evidence as to the prior sexual history of rape victims, whereas the statutes referred to by MacDonald generally permitted such testimony.

Lest it be thought that MacDonald and other writers of his era are treated somewhat unfairly for not possessing contemporary attitudes toward rape, it should be noted that some authors of more recent publications deserve criticism for a certain absence of balance in the presentation of their views on the same subject. One example is the book by Medea and Thompson, *Against Rape*,[8] which is written with a strong feminist bias but lacks the backing of substantial research which is so obvious in Brownmiller. Later books, also written from a feminist perspective, like Gager and Schurr's *Sexual Assault: Confronting Rape in America* and Diana Russell's *The Politics of Rape* appear much more objective than do Medea and Thompson.[9] Russell's work, unlike that of the other authors mentioned, is based upon systematic interviews with rape victims and reflects her training as a sociologist.

The articles referenced in this section of the bibliography are numerous and deal with a wide range of issues. As might be expected, the quality of the articles varies substantially. Those seeking access to the more important and significant articles will find many of them reprinted in two edited volumes: Schultz's *Rape Victimology* and Chappell, Geis and Geis's *Forcible Rape: The Crime, The Victim and The Offender.*[10] The latter volume also contains a number of original papers, as does Brodsky and Walker's Sexual Assault.[11]

II. Rape Victimization

The heaviest volume of literature on rape is contained in this second section of the bibliography, dealing with rape victimization. Feminist writing, in particular, has focused on the plight of the rape victim, revealing her trauma in graphic detail and denouncing the criminal justice system for its deficiencies in responding to her needs. The impact of this criticism on the criminal justice system has been substantial, producing an array of new and modified investigative and trial procedures designed to improve police and prosecutor treatment of rape victims.

Much of the material on rape victimization is descriptive of the victim's experience or of the numerous counseling and allied services now being made available to persons who have been sexually assaulted. These services extend, in many cases, to victims of crimes other than rape, constituting a fringe benefit flowing from the contemporary attention given to rape victimization. Indeed, the current concern about the rape victim has made apparent the criminal justice system's neglect of crime victims in general and has stimulated such reforms as the provision of compensation to innocent victims of violent crimes, and improvement in criminal case processing to take account of victim/witness needs.

To date, the most comprehensive behavioral science study of rape victimization has been conducted by Burgess and Holmstrom. The results of their work are reported in *Rape: Victims of Crisis*, and in a substantial number of journal articles.[12] The research of Burgess and Holmstrom is ongoing and promises to afford detailed data concerning the long-term impact of rape victimization on the behavior and psychology of the victim. These researchers have also begun the important task of linking victimization experiences with offender typologies in an effort to understand how patterns of victim and offender interaction are related to different outcomes (avoidance, injury, etc.) of the crime.

Their research also makes very apparent the need for prompt and adequate medical examination and treatment of rape victims. Hospital and health care personnel are charged with the tasks of meeting the physical and emotional needs of victims as well as collecting the clinical evidence on which the legal determination of rape may later rest. The manner in which these tasks are performed can help or hinder the victim's recovery from the trauma of rape as well as influence the outcome of a rape investigation or trial.

In the past, many of the criticisms leveled at the criminal justice system for its handling of rape cases have also been directed towards hospital and health care professionals. The literature contains descriptions of insensitive and inadequate treatment of rape victims by medical personnel, as well as accounts of their unsatisfactory performance when collecting forensic evidence. But as in the case of the criminal justice system at large, this situation now seems to be changing for the better. A perusal of the abstracts of the medical and medicolegal literature in the bibliography shows a concentration on the upgrading of hospital care for rape victims. Published descriptions of proper medicolegal procedures abound, stressing such factors as the importance of obtaining a good patient history, examining the victim carefully, taking and properly transmitting specimens for laboratory testing, giving counseling and possible prophylactic drug therapy for venereal disease and pregnancy. Extensive hospital-based programs for meeting both the short and long term needs of rape victims have also recently been established in many centers across the United States.

The particular trauma experienced by child victims of sex crimes is the subject of several articles mentioned in another subcategory of this section of the bibliography. Child victims of rape and similar offenses have not received adequate attention from behavioral science researchers and the literature in the area is largely case descriptive and orientated toward the medical aspects of the problem. Scant notice is paid in the criminal justice literature to the difficult issues surrounding the investigation and prosecution of sexual assault cases involving child victims. Unlike certain countries, such as Israel, which have established special criminal justice procedures for handling sexually assaulted children, the United States basically deals with child victims as if they were adults, exposing them to the full range (and traumatic impact) of the adversary procedures characterizing our system of justice. Because of the perceived risk of adding to the trauma already experienced by the child victim, many crimes go unprosecuted, even though potential evidence against the suspect offender may be extremely strong. Further research and writing on child victims of sexual assault may be anticipated as broader victim issues are increasingly explored. Of particular promise in this area are cross-cultural studies which examine alternative justice models for the handling of crimes involving children as victims.

The final subcategory in this portion of the bibliography is devoted to homosexual rape. Several books and articles, it will be seen, have recently been published on this topic, most of them based on studies of prison populations. The nature and incidence of violent sexual assault within custodial settings has, in the past, been primarily of concern to writers on prison operations and offender rehabilitation. How-

ever, the growing tendency among state legislatures to include what was formerly sodomy within an expanded definition of rape has given new emphasis to the rape-related victim aspects of the crime. Many of the traumas experienced by women or girls who are raped by men seem also to be suffered by males or females sexually assaulted by members of their own sex. As such, the victimization literature on homosexual rape is likely to increase in size and scope.

III. Rape Offenders

With the locus of societal concern now focused upon the victim of rape it is not surprising to discover that recent literature on rape offenders is far from extensive. In the past, those seeking information about rapists have experienced substantial difficulty segregating data concerning this group of offenders from much larger studies of persons committing sexual crimes. Further, much of the earlier writing about rapists tended to be somewhat esoteric, describing dramatic cases or expounding elaborate psychiatric or psychological theories regarding the motivation of individual offenders.

While the contemporary literature on rape offenders is more specific in content, there remain major gaps in our knowledge about rapists. Research regarding the causes of rape from an offender perspective remains in its infancy and the research which has been undertaken often raises more questions than it answers. For instance, a number of researchers have reported experiments concerning the responses of rapists, and other types of sex offenders, to a variety of erotic stimuli. The results appear equivocal, one study finding incarcerated rapists less susceptible to arousal by pornography than other sex offenders, while another investigator reached a contrary conclusion.[13] Kutchinsky, in the most extensive analysis of the effect of easy availability of pornography on sex crimes, concluded that it had no impact on the frequency of rape offenses in Denmark.[14]

What conclusion should be drawn from these research results remains open to question. Quite apart from their conflicting outcomes, the studies based on incarcerated offenders suffer from the fact that rapists who are in custody are a unique group. While there is some reason to believe that the risk of conviction and imprisonment is greater for apprehended offenders who use violence against their victims, no general statements can be made about rapists at large using data derived from such a source. This dilemma is, of course, not restricted to the study of rapists but it may partly explain why there have been few attempts to undertake research on this group of offenders. In addition, research access to any group of incarcerated offenders is far from easy, given the need to ensure adequate protection of the rights of the human subjects involved. Provision of this protection becomes even more difficult when dealing with subject groups who are at earlier stages in the criminal justice process, such as arrested rapists.

The rape offender literature also reveals little about the methods of treatment found to be effective with rapists. The paucity of published information on this subject may well reflect the state of the art in this field of treatment. However, Cohen et al., in an important article describing clinical classifications of a large number of rapists seen at the psychiatric facility at the Massachusetts Correctional Institution at Bridgewater, claim to have identified certain groups of offenders who are more amenable to treatment than others.[15] The nature of the treatment prescribed by Cohen and his colleagues is not specified, nor is any extensive follow-up data provided about those rapists released from the facility. But the authors assert that the rapist group described primarily as aggressive and destructive, in comparison with other groups of rapists, "has the highest level of social and occupational

adjustment, the most mature relationships with both men and women (although relations with the latter are less adequate), they are most responsive to treatment, can be released following the shortest commitment period, and the post-parole adjustment is made with fewer difficulties and is most successful."[16]

The Cohen et al. clinical classification of rapists has been adopted for use for identifying types of offenders who commit offenses toward the violent end of the rape spectrum.[17] Cohen et al. are very careful to note, however, that the rape offenders they saw were a selective sample. "[T]his is not the man in alcoholic stupor, urinating in an alley and arrested for exhibiting himself; not the disappointed lover misunderstanding the glances of a young girl as a seductive invitation and arrested for accosting; it is not the man on a date sexually provoked and then denied whose anger suddenly triggers off a sudden uncharacteristic, but explosive rape; nor is the sexual assault an expression of a subcultural double standard or masculine culture 'machismo'."

At a time of continuing escalation in rates of reported rape, public concern regarding the appropriateness of existing treatment and penalties for the offense is clearly widespread. Failing discovery of any obviously successful method for treating those rapists who are apprehended and convicted, public pressure is directed towards incarcerating such offenders for long periods as a protective device for the community and as a deterrent for offenders. Debate regarding the efficacy of lengthy prison terms as a deterrent to rape continues, as does discussion of the impact such severe penalties have on the behavior of actors in the criminal justice system, especially jurors and victims. But these issues are, in a sense, now subsidiary to what appears to be a dominant public desire to be protected adequately against dangerous offenders like rapists.

IV. Investigation of Rape: Police Procedures and Criminalistics

Mention has already been made of the dissatisfaction expressed with the criminal justice system's past handling of rape offenses. The reasons for this dissatisfaction have been extensively canvassed in the general literature on rape, as well as in the publications dealing more specifically with the rape victim's experience and needs. Central to much of the dissatisfaction has been the insensitive attitudes and inadequate procedures adopted by law enforcement agencies dealing with rape.

Until the early 1970's, almost no mention can be found of the crime of rape in traditional police publications. While law enforcement agencies undoubtedly devoted personnel and other resources to the investigation and prosecution of rape cases, they did so in a manner suggesting that, from a police perspective, few problems were encountered with this crime. The situation was, of course, not dissimilar from society's own response to rape. However, some portent of the future furor which would ultimately surround the police on this subject could be found in an article, published in 1968, describing the exercise of police discretion in Philadelphia in deciding whether or not the crime of rape had been committed.[18] It was apparent from this description that the police were adopting criteria such as the victim's reputation for chastity, and her prior social interaction with the alleged offender, to determine whether or not a valid complaint of rape should be recorded.

Public and police recognition of the inappropriateness of these criteria did not occur until several years after this article appeared. But when the storm of criticism finally burst upon the criminal justice system, confirmation was obtained from a number of sources that the police procedures noted in Philadelphia in the 1960's continued to be adopted in other locations in the 1970's. For example, Galton, in a review of police rape case files in one agency, found the police processing of com-

plaints was governed by the attitudes of personnel and the procedures of that agency, rather than the content of the particular jurisdiction's rape statute.[19] Galton's two main conclusions were that "police investigators hold rape complainants to a higher standard of conduct than the law requires" and that "rape investigation procedures...are inefficient and often dysfunctional but they could be reformed by overhauling the existing system."[20]

The latest police literature suggests that the system is undergoing an overhaul of quite major proportions. A national survey of more than 200 police agencies conducted in 1975 revealed that more than 50% of the agencies included in the sample had instituted changes during the past 3 years in the handling of rape cases within their jurisdiction.[21] "The most frequent changes were the introduction of special training in rape (58%) and the employment of female rape investigators (56%). Other changes were the development of new investigative techniques (42%); improved forensic resources (38%); introduction of a special rape unit (36%); and the use of female patrol officers (28%). The new investigative techniques mentioned usually concerned improvement in the collection of forensic evidence, although a few respondents mentioned better methods of interviewing victims."[22]

Whether revamped police investigative units and techniques will result in the apprehension and conviction of more rapists is a question which cannot be answered in the short term. But it is apparent that a change in police attitudes towards rape victims may be one of the immediate benefits accruing from these more formal and technical innovations. It will be noticed that the bibliography's abstracts of police literature include not only articles describing methods of establishing new police rape investigation units but also publications describing counseling methods which might be used by police when interviewing rape victims. There are also articles which discuss the assistance police can provide rape victims including referring them to special crisis centers, medical facilities and similar agencies. Ultimately, the impact of such developments may not only be to "humanize" the police response to victims of rape, but also encourage more widespread reporting of offenses by victims to law enforcement agencies.

Also included in this section are articles describing criminalistic techniques and tests for identifying seminal and saliva stains and foreign fibers as forensic evidence in rape cases.

V. Legal Issues and Legislative Reform

Attention has already been drawn to the widespread revisions made in recent years to rape laws in the United States and many other common law jurisdictions. These revisions have, as is apparent from the bibliography, spawned a voluminous legal literature surveying the nature of these developments in great and frequently repetitious detail. The major issues explored in this literature include:

- The general definition and scope of the crime of rape, including sex/neutral delineations of the offense and its extension to forms of sexual behavior beyond the traditional penetration of the vagina by the penis;[23]
- Penalties for rape, including the establishment of degrees of rape according to the gravity of the offender's behavior;[24]
- The relevance of testimony regarding the prior sexual history of the victim;[25]
- The relevance of special requirements for corroboration of the victim's testimony;[26]
- The protection of the privacy of the victim and the offender.[27]

It is not proposed to explore each of these complicated and frequently controversial issues here--this task is performed very capably in the selected articles

abstracted in the bibliography. But it should be mentioned that presently and conspicuously absent from the legal literature on rape is any detailed analysis of any impact of the changes effected in rape laws. Take, for example, the most "radical" of the new laws—the Michigan Criminal Sexual Conduct Act. This statute has had a substantial influence upon jurisdictions in the United States; at least 12 states having considered it as a possible model for their own legislation and a further 7 states having passed measures similar or identical to it.

The Michigan statute represents a major departure from common law rape, abandoning the traditional concepts of the crime in favor of a unisexual law embracing a wide range of sexual assaults. Under the new law, four degrees of criminal sexual conduct are distinguished, depending upon the presence or absence of sexual contact and specified aggravated circumstances. The aggravated circumstances that distinguish first and second degree criminal sexual conduct from third and fourth degree sexual conduct include:

- the victim is under 13 years of age;
- the actor uses a weapon;
- the actor is aided or abetted;
- another felony is committed;
- there is personal injury to the victim.

Some examples may be helpful. If there is sexual penetration and personal injury the crime is criminal sexual conduct in the first degree and carries a maximum penalty of life imprisonment. If there were only sexual contact, such as the intentional touching of the clothing and the vaginal area, and no aggravating circumstances, then the crime is criminal sexual conduct, fourth degree, a misdemeanor, with a maximum penalty of 2 years or a $500 fine.

Proponents of the Michigan statute have viewed it as a much needed consolidation and simplification of the law of rape. This view may be justified, but it is rather disappointing, although typical, that no substantial evaluation of the effectiveness of the new law had been conducted before transporting it in whole or part to other jurisdictions. An early study of the initial operating experience with the statute in Wayne County, Michigan, suggests that it possesses problems which were not necessarily apparent at the time of its conception and birth.[28] Indeed, interviews conducted with police, prosecutors and judges in Wayne County revealed substantial dissatisfaction with the new law. Described as a "law professor's dream," the law was said to be far too complicated for easy day-to-day use. Many police and prosecutors admitted not understanding the law. Said one prosecutor, "The old law was simple. The only requirements for conviction were vaginal penetration and force. Cases were won or lost on the facts, not the law." However, with the new complex statute, "charges are messed up. Prosecutors use the wrong charge, they fail to identify the witnesses that corroborate the aggravating circumstances. Pieces of evidence are not used. Other deputies mess it up by trying to amend the charge with what they think the law should be. Judges have a great disdain for the law—they do not understand it."

Training can, of course, help overcome deficiencies in criminal justice agencies' knowledge of a new law. However, the vagueness, ambiguity, and potential breadth of the conduct encompassed by the Michigan statute suggests that it will be the subject of intensive legal questioning for some time to come. For instance, it is not clear from the statute what is encompassed within the crime of criminal sexual conduct in the fourth degree, which extends criminal penalties to "forceful sexual contact without aggravating circumstances." Sexual contact includes "the intentional touching of the victim's or actor's intimate parts or the intentional touching of the clothing covering the immediate area of the victim's or actor's intimate parts, if that touching can be reasonably construed as being for the purpose of sexual arousal or

gratification."[29] Critics of this particular provision claim that it is broad enough in scope to include pinching, fondling, and other forms of behavior not normally viewed as criminal. It is perhaps significant that since the Michigan statute came into effect, no charges have apparently been presented for criminal conduct in the fourth degree.

The Michigan statute, and many of its counterparts in the other states, rushed through the legislatures on a wave of political support for women's rights without the careful drafting and associated consideration normally accorded new and important criminal law measures. In this context it is interesting to contrast the Michigan and related experiences in the United States with that of other foreign common law jurisdictions like the United Kingdom, Canada and Australia. The impact of the women's movement has also been felt in these countries, acting as a major catalyst for change of rape laws. However, the pace of this change has not been as frenetic as in the United States. A typical scenario for rape law reform in all three countries has been government referral of the subject to an official committee for review, followed by the preparation of a detailed report containing the recommendations.[30] Most committees have recommended less sweeping changes of rape laws than those already effected by the Michigan Criminal Sexual Conduct Act. Not all these recommendations have been accepted or acted upon by governments.[31] For instance, in South Australia, the state's Criminal Law Reform Committee advised against changing the rule that a husband could not be convicted of raping his wife. However, the South Australian government did not accept this advice, presenting parliament with a bill which proposed terminating the spousal exclusion from rape. After a stormy passage this government measure finally secured legislative approval and South Australia thus became the first common law jurisdiction in the world permitting a husband to be convicted of raping his wife.[32]

Overall the production of new legal literature on rape, both local and foreign, shows few signs of immediate abatement. Although within the United States it seems likely that the main revisions of rape laws have now been accomplished, the opportunities for legal challenge of the numerous new statutes suggest a fertile source for further learned law review articles. It is to be hoped that among these future articles will be some that examine the effectiveness of the new rape legislation.

VI. Rape in Foreign Countries and Cultures

The literature on rape abstracted in this bibliography is both by choice and necessity mainly drawn from the United States. Most of the recent writing about rape has originated in this country, as has the major impetus for change in social attitudes towards this crime. Rape is not, however, an "all-American crime" and it is obvious from the English language foreign literature which has been abstracted that rape is an offense plaguing all but a few exceptional societies. Anthropological studies included among this literature also make it clear that rape rates, like crime rates in general, fluctuate remarkably among different societies and cultures. LeVine, for instance, in a much-cited article, demonstrates that the incidence of rape can vary widely in a single less-developed society depending on a variety of internal and external social, economic and political factors.[33]

The F.B.I. *Uniform Crime Reports* make it apparent each year that substantial variations also occur in the reported incidence of rape within the United States. Thus, among the major geographical regions of the United States the rate of reported rape is substantially higher on the Pacific Coast than it is in the Northeast or North Central parts of the country. Similarly, rape rates in the United States at large

are much higher than those of major European countries.[34] Variations such as these raised interesting and important questions for behavioral scientists concerning the factors which affect the incidence of rape in a society. For example, are these factors common to all communities? Or do they differ according to such dimensions as time, space, and the particular stage of development of a society?

Answers to questions like these could be of great assistance in expanding our understanding of sexual deviance, as well as providing clues to the design of more effective controls over rape. It is, therefore, rather surprising to discover how little attention has been devoted by behavioral scientists to the study of cross-cultural aspects of rape. Although quite frequent references to rape are to be found in the literature of such disciplines as history and anthropology, both of which tend to emphasize the importance of cross-cultural research, there are at present no substantial comparative studies of this particular form of crime. However, this situation could soon change as more money is devoted to research on rape, especially in the United States. Particularly significant in this regard is the recent establishment by the United States Congress of a National Center for the Prevention and Control of Rape within the National Institute of Mental Health. The new Rape Center is already beginning to sponsor research which could close many of the gaps in our knowledge about this crime. Undoubtedly, this research will also contribute still further to the growth of the rape literature throughout each of the categories contained in this bibliography.

NOTES

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6. Wilson, Jane. "Ideological View of Rapes as a State of War". *Los Angeles Times*, Dec. 2, 1975; Lionel Tiger. "Fearful Symmetry". *New York Times*, Feb. 8, 1976.
7. Bibliography entry number 25.
8. Bibliography entry number 27.
9. Bibliography entry numbers 17 and 31.
10. Bibliography entry numbers 8 and 32.
11. Bibliography entry number 35.
12. Bibliography entry number 39.
13. Bibliography entry numbers 79 and 84.
14. Bibliography entry number 89.
15. Bibliography entry number 78.
16. *Ibid.*, p. 315.
17. These researchers include Burgess and Holmstrom.
18. Bibliography entry number 105.
19. Bibliography entry number 100.
20. *Ibid.*, p. 17.
21. Bibliography entry number 111.
22. *Ibid.*, p. 46.
23. See, for instance, bibliography entry numbers 127 and 128.
24. See, for instance, bibliography entry number 132.
25. See, for instance, bibliography entry number 131.

26. See, for instance, bibliography entry numbers 124 and 126.
27. Bibliography entry number 115.
28. As part of the Battelle Law and Justice Study Center rape study, extensive interviews were conducted with criminal justice personnel in a number of large cities in the United States, including Detroit. The material which follows concerning reactions to the new Michigan rape legislation is drawn from these interviews.
29. Michigan Criminal Sexual Conduct Law, Section 750. 520a (g).
30. See, for instance, bibliography entry number 150.
31. The recommendations of the Heilbrom Committee, which reviewed rape laws in the United Kingdom, have yet to be implemented. Generally, see bibliography entry number 148.
See bibliography entry number 143.
33. Bibliography entry number 139.
34. Cross-national comparisons of contemporary rape statistics are extremely limited, as well as hazardous. Interpol does gather information from the world's police agencies about rape but interpreting the resulting figures requires substantial ingenuity since rape is included with other sex offenses in the published data. Sex offenses are defined as follows:
"Each country will base its reports on its own laws in determining whether an act is a sex crime or not, it being understood that rape and trafficking in women shall always be included."
Generally, see bibliography entry numbers 144 and 145.

FORCIBLE RAPE: AN ANNOTATED BIBLIOGRAPHY

I. SOCIOCULTURAL AND DESCRIPTIVE FEATURES OF RAPE

1. **Amir Menachem. Forcible Rape.** ***Sexual Behavior,*** **v. 1, no. 8, November, 1971. p. 25–36.**

There are several sociocultural factors involved in rape which should be examined for a better understanding of the crime. The offender-victim relationship can be measured on a scale according to degrees of social distance, anonymity, or intimacy and runs from stranger to family relative. Special relationships grow out of the fact that the victim and/or offender were drinking or that they were in a dating situation. It is also important to know the social occasion or setting where the two met and where the rape occurrred. In analyzing the rape offense as a series of events which culminate in the actual rape there are basically three phases: planning the offense, the rape scene itself, and after the offense. In the first phase rape cases can be categorized by degrees of planning: planned, partially planned, and explosive. Significant statistical association was found in the author's Philadelphia study between types of planning and types of rape, in terms of number of offenders. The rape scene bears a relationship to the manner in which a rapist commits his offense. There are differences in the amount and kind of violence and aggressive behavior used. Sexual humiliation is also an important psychological aspect of rape. In the Philadelphia study, differences according to race were found in regard to degrees of violence and use of social humiliation. Participants in group rape fall into three categories: those who join in immediately and identify completely with the group, those who are reluctant but who go along after some hesitation, and nonparticipants who are around the scene of the group rape. The Philadelphia study showed that multiple rapes were intra-class, intra-racial and committed mainly by the age groups of 15–19 and 20–24. Group rape is predominantly a nocturnal and weekend occurrence. Group rapists more frequently than single rapists consumed alcohol and had more previous criminal records. Other characteristics of group rape are that it is mainly an intra-neighborhood event, more frequently is planned and the victim is more often subjected to sexual humiliation. The third phase is the rape aftermath including the victim's decision whether to report and problems of apprehending the rapist. Individual rapists can be classified into three types: those for whom the crime is a sympton or an idiosyncratic act due to psychopathology or special circumstances, those for whom the crime is mainly a "role-supportive act," and those for whom the crime is mainly a "role-expressive act." Individual differences in aggressive behavior may reflect different degrees of integration with a subculture of violence, which is postulated to exist, rather than simply personality differences of a pathological nature. The sociocultural framework precedes and, to a great extent, determines personality. Understanding rapists' behavior, therefore, implies understanding socialization processes.

2. **Amir, Menachem.** ***Patterns in Forcible Rape.*** **Chicago, University of Chicago Press, 1971. 394 p.**

The material presented in this book is based on an empirical study of 646

forcible rape cases recorded by the Philadelphia Police Department during 1958 and 1960. The author's focus was on the social characteristics and relationships of the victim and offender and on the circumstances of the rape event itself. Significant relationships and patterns were sought among a large number of variables including race, age, marital status and employment of victims and offenders; seasonal, temporal, and spatial aspects of the crime; the presence of alcohol; previous arrest record of victims and offenders; and particulars relating to modus operandi. The book is organized into five sections. The first is an introduction which describes the study and reviews the literature. The second section is concerned with the victim and offender in the rape situation and includes consideration of demographic and relational factors. The third section discusses modus operandi, felony rape and group rape. In the fourth section, the author focuses primarily on the victim and her relationship to the offender, her vulnerability, and her possible precipitation of the crime. In the final section, as well as discussing the characteristics of and factors surrounding unsolved rape, the author compares the relative merits of using a sociological, phenomenological orientation to the study of rape rather than the psychological approach. He proposes an explanation of rape based on the theory of a subculture of violence. In his summary and conclusions, the author presents the major significant patterns emerging from the study. An extensive list of references is provided.

3. **Barnett, Nona J. and Hubert S. Feild. Sex Differences in University Students' Attitudes Toward Rape.** ***Journal of College Student Personnel,*** **v. 18, no. 2, March, 1977. p. 93–96.**

   Rape is being recognized by university administrators as a major problem on university campuses. This study investigated the nature of sex differences among university students' attitudes toward rape. Results showed that males were quite different from females in their attitudes and tended to support many of the myths regarding rape. Implications of the results concerning the nature and prevention of rape on college campuses are discussed.

4. **Brownmiller, Susan.** ***Against Our Will: Men, Women and Rape.*** **New York, Simon and Schuster, 1975. 472 p.**

   In this book, the author contends that the threat, use and cultural acceptance of sexual force is a pervasive process of intimidation that affects all women whether they have or have not been actual victims of sexual assault. She presents an historical examination of the use of rape in war, from biblical days to the present, and explores the origins of American rape law in order to explain how, why and under what circumstances rape first came to be considered a crime. The author points out how medieval rape codes, written when women had few legal rights, continue to confuse modern perspectives on rape. Other topics covered include interracial rape from the slavery period onwards, homosexual rape in prisons, and sexual molestation of children. The myths of rape are discussed through an analysis of Freudian psychology, defense tactics in rape court cases, and popular literature and movies. The average rapist is described as an ordinary violent young male. The author cites examples of the glorification of or insensitivity to rape in history, literature, the movies and the media. She then describes the psychological and sociological setting women are raised in which, in effect, conditions them to be rape victims. The various forms the

crime of rape takes are illustrated by personal accounts of rape victims. The major tenets of rape law are discussed with comments on ways the law should be changed. Pornography and prostitution are described as basically degrading to females and neither viable nor valid means for curbing rape. The author comments that in actuality rape extends beyond its legal definition into a large grey area of sexual exploitation of women and that it must be aggressively fought against.

5. **Calhoun, Lawrence G., James W. Selby and Louise J. Warring. Social Perception of the Victim's Casual Role in Rape: An Exploratory Examination of Four Factors.** ***Human Relations*****, v. 29, no. 6, 1976. p. 517-526.**

A study was conducted to examine people's social perceptions of rape victims. The subjects were 128 undergraduate students whose ages ranged from 19 to 36. They were shown a videotaped interview with a presumed victim of rape and given a case description of the rape and the victim. The description was varied among subjects in regard to the victim's previous acquaintance with the rapist, whether she had been raped before, and the incidence of rapes in the area. The subjects were asked to rate the victim on the degree to which the rape was caused by her personality, her behavior on the night of the rape, the degree to which the rape was her fault and the degree to which the rape was simply bad luck. The results revealed two consistent findings: that male respondents view a woman as contributing to the rape to a significantly greater degree than female subjects and that women who have been raped before are seen as having contributed more to the present rape than women who have not been raped before. Other significant interactions among the variables were also found.

6. **Chappell, Duncan. Forcible Rape and the Criminal Justice System: Surveying Present Practices and Projecting Future Trends.** ***Crime and Delinquency,*** **v. 22, no. 2, April, 1976. p. 125-136.**

Reprinted in Walker, Marcia J. and Stanley L. Brodsky, Eds. ***Sexual Assault: The Victim and the Rapist.*** **Lexington, Massachusetts, Lexington Books, 1976. p. 9-22.**

Forcible rape, a crime which the criminal justice system has historically been inept at handling, has finally achieved in the past decade the recognition it deserves as a societal and criminological problem warranting serious attention. Its cogency to a variety of current social issues—the position of women in a traditionally male-dominated society, interracial conflict, the inconsistent and discriminating imposition of the death penalty—has put rape in the spotlight of public and official concern. This article singles out a number of concerns in the control and reduction of rape and describes some efforts that have been or are being made to bring about a reversal in the upward trend of rape rates. The national research project on forcible rape conducted by the Battelle Law and Justice Study Center is described, with a summary of how the results are expected to be used by criminal justice agencies and by other organizations dealing with rape. Other points of concern discussed are the legal and moral issues revolving around the lack of consensus in the definition of rape, not only as specified in state statutes but also as viewed by law enforcement agencies. Conceptual differences in the definition of rape lead to inequitable and inconsistent handling of rape by the criminal justice system in addition to seriously

impugning the validity, and hence usefulness, of official crime statistics. Finally, changes in the treatment of rape victims, with the concomitant benefits to them and to the criminal justice agencies responsible for controlling and prosecuting rape, are discussed.

7. **Chappell, Duncan, Gilbert Geis, Stephen Schafer, and Larry Siegel. Forcible Rape–A Comparative Study of Offenses Known to the Police in Boston and Los Angeles.** ***In*** **Henlin, James, Ed.** ***Studies in the Sociology of Sex.*** **New York, Appleton-Century Crofts, 1971. p. 169–190.**

   The comparative method is used by the authors in a study based on police reports of rape offenses in Boston and Los Angeles for the year 1967 to examine and interpret differences in some elements of the crime in two cities of apparently variant lifestyles. The comparative approach avoids ethnocentric conclusions, particularized to a local geographic area, although it contains certain pitfalls to researchers: procedural and definitional variations between jurisdictions, difficulty in determining which element of a cultural environment may account for behavioral variations, and difficulty in proving that a culture is generally shared by the local populace. The authors contend that variant rape rates can to some extent be explained by consideraion of the sexual climate obtaining in different social and cultural settings. Literary and anthropological support for this theory is presented. Their hypothesis is that the forcible rape rates should be higher in social settings where a relatively more permissive sexual ethos exists. The assumption is that male sexual frustration would be significantly higher in the more permissive setting because there are fewer plausible factors to explain a male's rejection by the opposite sex or inability to achieve a desired sexual goal. The 1967 rape rates of L. A. and Boston are compared as well as the methods of recording the crime by the respective police departments. Several factors contribute to the difficulty in making valid comparisons. Besides local differences in defining rape and differing styles of recording the crime, there are also problems of underreporting, false reporting and individual police discretion in interpreting the facts of each case. Given these caveats, the data obtained in this study show statistically significant differences between the two cities' rape offenses in the following ways: more rape offenses were committed during the weekends in L. A. than in Boston; rape offenses in L. A. were distributed relatively evenly over the 12 months of the year, while in Boston they were skewed toward the summer months; rape offenses were much more likely to be committed by more than one person in L. A. than in Boston; L. A. showed a higher proportion of racial minority offenders than Boston; and Boston had a higher percentage of stranger-to-stranger rapes. However, the age patterns of victims and offenders were similar in the two cities. Additional inferences are made from the data. Although the statistics show a higher rape rate in the more permissive city (L. A.) than in the more restrictive city (Boston), other refinements of the data would be necessary to make more definitive statements about the differences perceived in this study.

8. **Chappell, Duncan, Robley Geis and Gilbert Geis, Eds.** ***Forcible Rape: The Crime, the Victim, and the Offender.*** **New York, Columbia University Press, 1977. 393 p.**

   This anthology is primarily a collection of published articles by various authors covering different topics regarding rape. Also included are previ-

ously unpublished papers. After an introductory overview of the subject of rape, chapters under the following titles follow: Rape: The All-American Crime; Rape and Rape Law: Sexism in Society and Law: Forcible Rape in the United States: A Statistical Profile; Race, Rape, and the Death Penalty; Black Offender-White Victim: Forcible Rape in Oakland, California; Forcible Rape and the Problem of the Rights of the Accused; Judicial Attitudes towards Rape Victims; Michigan's Criminal Sexual Assault Law; Gusii Sex Offenses; A Comparative Study of Rape Offenses Known to the Police in Boston and Los Angeles; Rape in New York City: A Study of Material in Police Files; The Hitchhiking Rape Victim; The Psychology of Rapists; Rape Trauma Syndrome; Crisis Intervention with Victims of Rape; The Philadelphia Rape Victim Project; and Rape: A Selective Bibliography.

9. **Connell, Noreen, and Cassandra Wilson, Eds. *Rape: The First Sourcebook for Women by New York Radical Feminists.* New York, New American Library, 1974. 283 p.**

This is a general reference book on the sociological, legal, and political relationships of rape, sexism and radical feminism. It begins with a copy of the New York Radical Feminists' manifesto on rape. A transcript of a consciousness-raising discussion on rape is given. Included are rape testimonies drawn from the New York Radical Feminists' Rape Speak-Out, their rape conference, and a videotape made by four women who were victims of rape. Several papers on the legal aspects of rape and the controversy over the use of the term "alleged victim" are included. The book also contains a discussion on ways to combat rape under the headings rape crisis centers, medical issues, self-defense, the sexual abuse of children and political action. The appendix is a selected bibliography on the subject of women and rape.

10. **Csida, June Bundy and Joseph Csida. *Rape: How To Avoid It and What To Do About It If You Can't.* Chatsworth, California, Books for Better Living, 1974. 238 p.**

The first part of this book presents a descriptive overview of the multiple facets of the problem of rape in the United States. Among the subjects covered are the victim's experience, not only with the rapist but with police, medical and court officials and personnel. The callous attitudes and opinions of some of the public towards rape and the victim on one hand, and commercial forces pushing a hard-sell line on sex on the other, are salient features of the social climate in which rape occurs. The attitudes and motivations of rapists are also described. Preventative measures, such as home security devices, cautious behavior, self-defense techniques, are suggested for women. The second part of the book is devoted to action that has been, or could be, taken to ameliorate the situations described in the first part. The authors speak of the activities of the feminist movement which have led to increased official and public awareness of the rape problem, particularly the plight of the victim. The activities of rape crisis centers across the nation are described with a separate chapter devoted to Seattle's model Rape Reduction Project. The National Organization of Women has also contributed to the rape prevention and amelioration movement. Reform efforts are being made by police departments, medical and psychiatric workers, as well as by groups concerned with antiquated rape laws. A brief account of the Prince George's County task force on

rape and the status of federal funding for reducing and preventing rape are given. The appendices contain additional documentary information on current anti-rape efforts.

11. **Curtis, Lynn A. Victim Precipitation and Violent Crime.** ***Social Problems,*** **v. 21, no. 4, April, 1974. p. 594–605.**

The author of this article reports the findings from a 10 percent sample of police offense and arrest reports for homicide, aggravated assault, forcible rape and robbery in 17 American cities in 1967 in order to shed light on the role of victim precipitation in violent crime. Victim precipitated forcible rape was defined as an episode ending in forced intercourse when a female first agreed to sexual relations, or clearly invited them verbally and through gestures, but then retracted before the act. The survey showed that only 4 percent of clearances and 6 percent of nonclearances of police cases at the national level were designated victim precipitated rape which is much less than the 19 percent judged as victim precipitated by Amir in his Philadelphia study. The survey also measured provocation by recording whether the victim had a "bad reputation," which the author defines. The author feels that the direction of victim precipitation research should be away from police reports and towards clinical interviews and tests. The research should be conducted by racially mixed teams of females and males which can gather more complete information about victimization. He also suggests examining the differences between attempted rape and completed rapes with regard to victim precipitation. The author gives a brief discussion of why there is a relatively smaller number of victim precipitated rapes in all-black contexts. The survey showed that victim precipitation was higher among close friends and lovers than when the rapist was a relative or stranger. The author concludes that provocation is not uncommon in homicide and aggravated assault, is less frequent but still empirically noteworthy in robbery, and is perhaps least relevant in rape.

12. **Davis, Angela. JoAnne Little: The Dialectics of Rape.** ***Ms.,*** **v. 3, no. 12, June, 1975. p. 74–77, 106–108.**

Using the JoAnne Little case, where a black woman in North Carolina was charged with murdering a jail guard who was attempting to rape her, as an illustrative example, the author discusses the connection between racism, rape and sexism. The circumstances surrounding the event as well as the handling of the case by authorities afterwards are described as evidence of the persistence of racist and derogatory attitudes towards black women which trace back more than 100 years. The author states that the oppression of women, as typified by rape, is a vital and integral component of a larger network of oppression which claims as its foremost victims black people, other racial minorities, and poor working class people. She draws an association between the capitalistic white, male ruling class of this society and rape law which functions to protect the rights of the male as possessor of the female body. A "pecking order" of who can rape whom with virtual impunity among the different racial and socioeconomic groups in America is described along with the implications it has for blacks and the poor. In conclusion the author states that the meaning of rape and the social attitudes toward it must be gleaned from the politics of racism. She calls for collective effort to overthrow the capitalistic institutions which breed and nurture sexism and racism alike.

13. **Feldman-Summers, Shirley. Conceptual and Empirical Issues Associated with Rape.** ***In*** **Viano, Emilio C., Ed.** ***Victimology: Victims and Society.*** **Washington, D.C., Visage Press, 1976. p. 91–104.**

Diversity in the conception and legal definition of rape in terms of who can be raped, what acts are considered rape and what circumstances must obtain to make a sexual act rape, lead not only to inequities in dealing with rapists and victims but also to confusion in trying to understand the causes and consequences of rape. In addition to the need to resolve the conceptual confusion surrounding the definition of rape, more empirical research is needed in two major areas: the causes of rape and the psychological impact on the victim. Hypotheses about rape variously attribute the causes of rape to five main factors: social norms, traits of the rapist, characteristics of the victim, ineffective law enforcement and judicial procedures, and/or environment. Research is needed to discover the validity of these hypotheses. Similarly more systematic and extensive research is needed to determine what factors surrounding the rape experience have the most deleterious effect on rape victims and how the psychological impact of rape can be diminished.

14. **Feldman-Summers, Shirley and Karen Lindner. Perceptions of Victims and Defendants in Criminal Assault Cases.** ***Criminal Justice and Behavior,*** **v. 3, no. 2, June, 1976. p. 135–150.**

The reasons for the lack of convictions for rape are complex but one major factor is related to the judgmental policies of the police, prosecuting attorneys and juries. In order to gain a better understanding of the judgmental process in cases where women have been victims of a crime, the present study was conducted. Three hundred undergraduates at the University of Washington, divided equally according to sex, served as subjects. They were asked to make judgments about both the victim and the accused assailant from written descriptions of actual cases involving rape, attempted rape and nonsexual assault under conditions in which the victim's respectability, the type of crime, and the sex of the subject were systematically varied. Analyses of variance were performed. The results showed that the more respectable the victim, the less responsibility attributed to her, the greater the perceived psychological impact on her and the longer the sentence assigned to the defendant. In regard to sex of the subject, females perceived these crimes as more serious than the males, estimated a greater psychological impact on the victim and assigned longer jail sentences to the defendants. The implications of the sex differences found in this study are that certain characteristics of victims could influence judgments made by police, prosecuting attorneys and juries. Although the study does not demonstrate which of the sexes is the more objective or impartial, it does demonstrate that differences in judgments are related to sexual identity.

15. **Findlay, Barbara. The Cultural Context of Rape.** ***Women's Law Journal,*** **v. 60, Fall, 1974. p. 199–207.**

Rape can be examined as a contexted social phenomenon which is explicable not in terms of basic human nature but rather as a form of social relations which accords with the social and economic organization of the society of which it is a feature. To illustrate this idea, the author briefly describes the social and economic organization of the Arapesh tribe of New Guinea to whom rape is unknown and compares these same organiza-

tional aspects to western Judeo-Christian culture where rape is a common occurrence. The result is that in contrast to the Arapesh, where sexuality is defined differently and is a naturally-integrated part of society and where both men and women are trained to be non-competitive and cooperative, our society poses women's sexuality as the unadmitted center of an economic nexus, and the myths surrounding rape and the ambivalent way in which the offense is treated are reflections of that socio-economic condition.

16. **Fulero, Solomon M. and Christine Delara. Rape Victims and Attributed Responsibility: A Defensive Attribution Approach.** ***Victimology: An International Journal*****, v. 1, no. 4, Winter, 1976. p. 551–563.**

Extralegal influences on jurors in the form of personal attributes of the victim of a crime take on special significance in rape offenses because of the probing by the defense attorney into the past behavior and character of the rape victim in an attempt to impute to her consent or contributory responsibility to the act. Psychological research should have much to say about the effect of the characteristics of rape victims on the judgment of jurors. Jones and Aronson (1973) examined the attribution of fault to a rape victim as a function of her respectability. Their results may have an alternative interpretation in the defensive attribution theory which holds that the less personally differentiated the observer/subject feels from the victim, the less likely he/she will attribute fault to the victim. Two experiments were conducted, using male and female undergraduate psychology students, first manipulating the similarity of the victim to the female subjects and then manipulating both the similarity and respectability of the victim. The results of both experiments strongly indicate that female subjects in the Jones and Aronson study were responding to subject-victim similarity rather than to the respectability of the victim. The results for male subjects do not support Jones and Aronson and point to the need for further research into what affects male judgments as to the responsibility of a rape victim. The results of this study may have implications for prosecutors and defense attorneys in jury selection. Although there is question as to the applicability of simulation research to the actual legal process, in cases where the crime is relevant to or "involving" to the juror, as rape would certainly be to a female juror, simulations are more likely to parallel actual case outcomes.

17. **Gager, Nancy and Cathleen Schurr.** ***Sexual Assault: Confronting Rape in America.*** **New York, Grosset and Dunlap, 1976. 336 p.**

This book examines the causes, nature, and effects of rape in America, and the implications of deeply rooted public attitudes on effectively and justly dealing with victim and offender. Women and children as victims are discussed. The many circumstances surrounding attacks are briefly outlined and suggestions are made for avoiding potentially dangerous situations. The police are presented as being sometimes diligent and effective in their efforts to apprehend rapists and other times cynical and callous in their treatment of victims. The medical profession is seen as often inadequate in its physical and psychological treatment of victims. Court delays and problematic rape laws are reflected in low conviction rates of offenders. Misogyny is suggested as a factor in public and governmental disinclination toward law reform. Rapists' characteristics are discussed. Some suffer

from deepseated psychopathic tendencies which the corrections process does little or nothing to treat. Others are indistinguishable from "normal" men in every other aspect. Nascent public attempts to confront the rape problem, largely through women's groups, crisis centers, counseling, and institutional change, are seen as the beginnings of a new awareness and constructiveness. The appendices include sex crime report forms from the Los Angeles Police Department and graphs and tables of rape statistics. A bibliography is also included.

18. **Geis, Gilbert and Duncan Chappell. Forcible Rape by Multiple Offenders.** ***Abstracts on Criminology and Penology*****, v. 11, no. 4, July – August, 1971. p. 432–436.**

This article attempts to develop a picture of group rape through reference to sociological studies, fictional literature and the police files of Los Angeles and Boston.

19. **Griffin, Susan. Rape: The All-American Crime.** ***Ramparts*****, v. 10, September, 1971. p. 26–35.**

Reprinted in Schultz, LeRoy G., Ed. ***Rape Victimology*****. Springfield, Illinois, Charles C. Thomas, 1975. p. 19–39; Chappell, Duncan, Robley Geis and Gilbert Geis, Eds.** ***Forcible Rape: The Crime, the Victim and the Offender*****. New York, Columbia University Press, 1977.**

Rape and the fear of rape are a daily part of every woman's consciousness. The common misconceptions that men rape because they are suddenly overcome by sexual need and that the average sex offender is psychopathic have been discredited by recent studies. In the American culture, men are expected to be aggressive and women passive. Passivity prevents a woman from considering her own potential for self-defense and forces her to look to men for protection. The mythical notion that rape is enjoyed by the victim is convenient for the man who, though he would not commit it, enjoys the idea, as if rape confirms the sexual potency he secretly knows to be his own. In the spectrum of male behavior, rape, the perfect combination of sex and violence, is the ultimate act. The difference between a professional rapist and the average dominant heterosexual male is mainly quantitative. The double standard that permits unlimited sexual experience for men but morally proscribes women's sexual activities contributes to the opinion of courts and police that sexually experienced rape victims are automatically to be suspected. The laws against rape exist to protect rights of the male as possessor of the female body, and not the right of the female over her own body. In constructing the myth of white womanhood so as to justify the lynching and oppression of black men and women, the white male has created a convenient symbol of his own power which has resulted in black hostility towards white women. Women will not be free until the threat of rape and the atmosphere of violence is ended, and to end that the nature of male behavior must change.

20. **Hayman, Charles R., Charlene Lanza, Roberto Fuentes, and Kathe Algor. Rape in the District of Columbia.** ***American Journal of Obstetrics and Gynecology*****, v. 113, no. 1, May 1, 1972. p. 91–97.**

In the 18 months from July, 1969, through December, 1970, 1,223 rape

victims in the District of Columbia received medical examinations as part of an on-going program operated jointly by the Department of Human Resources and the Metropolitan Police Department. In this article the authors present data concerning the persons and circumstances involved in these rape cases and compare these data with previously noted trends in rape. The data presented include race, age and relationship of victims and offenders, amount of coercion used and injuries sustained in the assaults, emotional responses of the victims, time of day and season of the year when the rapes occurred, number of attackers in each case and followup efforts by the project nurses. Compared to previous years, the authors noted an increase in stranger rapes, with a larger proportion of adult white victims assaulted by black males, an upward shift in the age of the victims, and a larger proportion of victims requiring treatment for emotional disturbances, gonorrhea and pregnancy.

21. **Hyde, Margaret O. *Speak Out On Rape!* New York, McGraw-Hill, 1976. 145 p.**

This book presents general information on multiple aspects of rape with the aim of educating the public at large. The information provided is mainly based on the works of many experts on the subject of rape, victims and offenders as well as practitioners in the field. The topics covered are: the rapist — who he is and what his motivations might be; the child and adult victim, both male and female — their experience, their response, their involvement in the rape event and how they are perceived by others; medical help for the victim immediately after the rape; rape laws and what sort of experience the victim faces if she reports her case to legal authorities; current research studies on rape; and the problems of self-defense and prevention of rape. A list of suggested reading is included and the appendix contains a reprint of the new Michigan criminal sexual conduct statute (1974) and suggestions by the New York City Police Department's Sex Crimes Analysis Unit on rape prevention tactics.

22. **Joe, Victor C., Shanna J. McGee and Darryl Dazey. Religiousness and Devaluation of a Rape Victim. *Journal of Clinical Psychology*, v. 33, no. 1, January, 1977. p. 64.**

Using the four religious orientation designations developed by Allport and Ross, the authors, using undergraduate psychology students as subjects, designed a study to examine the relationship between religious orientation and attribution of fault to a rape victim. The results indicated that the extrinsically oriented person and both the indiscriminately proreligious and nonreligious person will devalue a victim even when there is no reason to think the victim was in fact responsible. In contrast, the intrinsically religiously oriented person showed sympathy for the victim and tended to derogate the assailant. There were no significant effects due to marital status of the victim or any significant interaction between this variable and religious orientation.

23. **Jones, Cathaleene and Elliott Aronson. Attribution of Fault to a Rape Victim as a Function of Respectability of the Victim. *Journal of Personality and Social Psychology*, v. 26, no. 3, June, 1973. p. 415–419.**

A study was designed to test hypotheses relating the respectability of a female rape victim to responsibility for the crime and the type of sentence

given the offender. Mock crime scenes were presented to 234 male and female undergraduate students from the University of Texas. The respectability of the victim was varied (married, virgin, or divorced) as was the degree of seriousness of the crime (rape or attempted rape). The subjects were asked to designate on a 21-point scale to what degree they felt the crime was the fault of the victim and how many years, from one to 40, the offender should be imprisoned. The results showed that the more socially respectable a woman, the more fault attributed to her as a victim of rape, that an offender who rapes a more respectable woman will be sentenced more severely, and that the offender will be sentenced to a longer term for completed rape than for attempted rape.

24. **Lamborn, Leroy L. Compensation for the Child Conceived in Rape.** ***Victimology: An International Journal,*** **v. 1, no. 1, Spring, 1976. p. 84–97.**

The focus of this article is on the adequacies of remedies, particularly victim compensation programs, serving the needs of children conceived in rape. Of the 30-odd common-law jurisdictions with victim compensation programs, 4 expressly preclude awards for maintenance of children conceived in rape, 5 expressly include those children, and the remainder are silent regarding the issue. Even where compensation is possible, awards may be precluded or limited due to such factors as victim responsibility or the relationship between the victim and offender. These limitations on benefits can have harsh effects on children conceived in rape and should cause reevaluation of the adequacy of victim compensation programs.

25. **MacDonald, John M.** ***Rape Offenders and Their Victims.*** **Springfield, Illinois, Charles C. Thomas, 1971. 342 p.**

All major aspects of the problem of forcible rape are covered in this book. Much of the material is based on information from police reports in Denver, Colorado. Anecdotes and excerpts from cases are interspersed throughout. The author also draws from the writing of various experts on the subject of rape and case histories of offenders. The book is divided into chapters covering the general scope of rape; rape offenders; victims; child victims; the psychology of rape; group rape; homicide and rape; incest; false accusations of rape; rape law (as of 1970); injustice to offenders in court; an appeal of a rape conviction; criminal investigation of rape; penalties; and treatment and prevention. Chapter 8, "Hoodlum Circus and Statutory Rape of Bass Lake", is reprinted from *Hell's Angels* by Hunter S. Thompson. The appendices include a copy of the Detroit Police Department's Sex Crime Modus Operandi form and advice to patients concerning castration, by Georg K. Sturup. There are 210 references listed.

26. **MacKellar, Jean.** ***Rape: The Bait and the Trap.*** **New York, Crown Publishers, 1975. 154 p.**

The case histories and other facts presented in this book are based mainly on the Philadelphia study of Dr. Menachem Amir supplemented by his later interviews with victims on the West Coast and by the author's own contact with victims at a West Coast rape crisis center. The book is divided into four parts. The first part treats the numerous myths surrounding the occurrence of rape and shows how they are at variance with empirical

facts. In the second part, the characteristics of the victim, offender and rape law are examined. The psychology and sociology of group rape are explored in the third section. The final section presents perspectives on why men rape and what women can do about it. An epilogue gives additional information on the final outcome of several of the case histories used as examples in the text.

27. **Medea, Andra and Kathlee. Thompson. *Against Rape*. New York, Farrar, Straus and Giroux, 1974. 154 p.**

In an effort to combat fear, defeatism and passivity in women's attitudes towards rape, the authors have compiled a book which combines educational and practical information on the subject. Rape, as defined by the authors, is a violation of a woman's sexual self-determination and must be understood before it can be effectively combated. The authors begin by identifying societal factors which facilitate the act of rape and describe the social situations that frequently end in a woman being sexually overpowered by a man. Particularly emphasized is the socialization of men to be strong, aggressive, and demanding and women to be passive, sensitive and accepting. The type of rapist that concerns the authors most is not the pathological maniac but the man who in all respects fits the mold of a normal product of society. In addition to physical rape, the authors discuss "the little rapes" which are situations where women are non-physically assaulted by sexual passes and comments from men in public and made to feel intimidated and embarrassed. Two chapters are devoted to precautions and self-defense techniques women could use to prevent rape. The final chapters go over the types and psychological reactions rape victims experience and what they often have to face if their cases go through the criminal justice system. The appendix contains the results of a survey of rape victims the authors conducted in 1972–73 and comments on organizing anti-rape groups.

28. **Metzger, Deena. It Is Always the Woman Who Is Raped. *American Journal of Psychiatry*, v. 133, no. 4, April, 1976. p. 405–408.**

Rape is described in this article as a ritual of power and an aggressive act against women. Rape tragically distorts the physical and symbolic act of human communion and undermines essential relationships. It is mythically asserted, artistically glorified, historically condoned, and symbolically urged in the media and advertising. Rape depersonalizes women and separates them from society. The rapist reinforces the nonperson status of the victim and reduces her to an object for physical use. He acts for society, translating certain cultural thoughts into action. The author, a rape victim herself, feels that although in some ways there is never complete recovery from rape, the most appropriate center for restoration of spirit is the social community where speaking out about their experiences helps rape victims revalidate themselves as persons.

29. **National League of Cities — United States Conference of Mayors. *Rape*. Washington, D.C., 1974. 34 p.**

After presenting a brief overview of common issues and problems faced in the prosecution and investigation of rape cases throughout the United States, this report presents a brief analysis of data from police rape offense reports in Denver from 1970 to 1972, a summary of the Denver Rape Reduction

Work Shop, and describes the city's Operation Rape Reduction program. Components of the program include supplementary victim support, improvements in police and prosecutor training and techniques, offender evaluation and treatment, and public information and education.

30. Rada, Richard T. Alcohol and Rape. *Medical Aspects of Human Sexuality*, v. 9, no. 3, March, 1975. p. 48–49, 55, 59, 60, 62, 65.

The author presents research data and concurring opinions to support his theory of the existence of a high positive association between alcohol, alcoholism, and the commission of violent crimes, particularly rape. Three types of alcohol-rape situations are described and differentiated: rape involving a drinking offender, rape involving an alcoholic offender, and rape which may be triggered by alcohol. Representative case histories serve as examples of each situation type. The author also examines three theories which have been proposed to explain the possible relationship between alcohol and the commission of violent sexual crimes: the disinhibition theory that alcohol numbs judgment and reduces inhibition of socially unacceptable sexual fantasies and impulses, the direct effect theory that alcohol may have a direct effect on either the aggressive or sexual centers of the brain, and the effect of alcohol on male testosterone theory that chronic alcohol use leads to an increase in the mean plasma testosterone level or production rate associated with violence or aggression. A list of references is included at the end of this article as are two commentaries on the relationship between alcohol and rape.

31. Russell, Diana E. H. *The Politics of Rape*. New York, Stein and Day, 1975. 311 p.

Through the medium of 22 case studies of actual rape experiences, this book is designed to educate people about rape from the victim's perspective. The material presented here is from firsthand interviews conducted by the author and assistants. In addition to case narratives, illustrative comments are made on traditional attitudes towards rape and rape victims, social and psychological conditioning which contribute to the incidence of rape, rape and racism as well as "reverse racism," and rape as a political act. Included also is a chapter giving the viewpoints of four interviewed rapists. In the final chapter suggestions on action that can be taken to prevent rape or lessen the trauma are presented. The appendix consists of rape prevention tactics and advice for rape victims. A bibliography is included.

32. Schultz, Leroy G., Ed. *Rape Victimology*. Springfield, Illinois, Charles C. Thomas, 1975. 405 p.

This book attempts to cover all aspects of the rape victimization experience. Comprised of 17 previously published articles and 2 original pieces, the book is divided into 6 topical sections. Section 1 concentrates on the victim's own account of the rape experience. Section 2 includes articles on the social aspects of rape victimization, concentrating particularly on the socialization of men and women into roles that to some extent explain the rape phenomenon. Some legal aspects of rape victimization are covered in the third section, including the problems of definition and evidentiary requirements. Section 4 deals with the medical examination of victims and crisis intervention. Section 5 is devoted to the special problem of the

child victim of sexual aggression, in particular post-rape trauma due to interrogation. The final section speaks to policy issues and the necessity for corrective action. An extensive bibliography is included at the end of the book.

33. **Smith, Ronald E., John P. Keating, Reid K. Hester and Herman E. Mitchell. Role and Justice Considerations in the Attribution of Responsibility to a Rape Victim. *Journal of Research in Personality*, v. 10, no. 3, September, 1976. p. 346–357.**

Using undergraduate psychology students as subjects, this study was designed to assess the extent to which social role and "just world" considerations would affect perceptions and attributions of responsibility of a rape victim. The rape victim was either a topless-bottomless dancer, a social worker, or a Catholic nun, and she was either acquainted or unacquainted with her assailant. In the acquainted condition, the dancer was attributed the greatest and the nun the least amount of responsibility, indicating that social role factors can govern the range of attributional judgments which might be made in any given instance. However, unacquainted victims were ascribed more responsibility for the rape than were acquainted victims, a difference which was significant where the victim was the nun. The latter findings were discussed in terms of Lerner's just world hypothesis. Significant sex differences were found in subjects' perceptions of and response to the rape incident and, contrary to earlier findings, no relationship was found between victim attractiveness and punitiveness toward the wrongdoer.

34. **U.S. Department of Justice. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. *Forcible Rape: Final Project Report*. By Battelle Human Affairs Research Centers, Seattle, Washington. Washington, D.C., Government Printing Office, 1978, 187 p.**

Currently in process of publication, this report should be issued in the spring or early summer of 1978. It describes the research and findings of a major two-phased project aimed at: (a) Assembling, describing, and assessing current law enforcement practices and problems in responding to the crime of rape (Phase I) and (b) developing operational/training manuals and other materials designed to improve police, prosecutor, and legislative response to forcible rape (Phase II).

The report begins with an overview of both project phases and continues with a series of chapters discussing project findings and conclusions on each of the following topics: (1) The Rapist; (2) The Victim; (3) Patrol Officer Response to Rape Complaints; (4) Investigator Response to Rape Complaints; (5) Prosecutor Response to Rape Complaints; and (6) Training. An appendix presents detailed data and analyses of rape case records from police and prosecutor agencies in five major U.S. cities.

In addition to this Final Research Report, nine other project publications are cited elsewhere in this bibliography (see Sections IIA, IV, and V).

35. **Walker, Marcia J. and Stanley L. Brodsky, Eds. *Sexual Assault: The Victim and the Rapist*. Lexington, Massachusetts, Lexington Books, 1976. 186 p.**

In early 1975, a conference was held at the University of Alabama on the

topics of rape, research, action and prevention. This book contains the papers given by the conference attendees, all of whom had some claim to expertise or knowledge in regard to rape. The topics covered are: the assumptions about the nature of sexual assault and how they relate to prevention strategies; the handling and perception of rape by the criminal justice system; long-term interference with normal life efforts as a result of being a rape victim; the nature and consequences of being raped in a work setting; a rape treatment center in a large urban hospital; the incidence of victimization; the role of the women's movement in mobilizing rape victim programs; rape prevention; myths and realities concerning the rapist; psychological treatment of rapists; rape in black communities; the legal and social definition of rape; Michigan's rape reform statute; and the responses to the problem of rape in New York City and Denver.

II. RAPE VICTIMIZATION

A. The Victim's Experience and Needs

36. Bohmer, Carol and Audrey Blumberg. Twice Traumatized: The Rape Victim and the Court. *Judicature*, v. 58, no. 8, March, 1975. p. 391–399.

The role of the rape victim in the court system is examined in this article with emphasis on the problems of post-rape adjustment and of legal and personal treatment of the victim. Data for the study were obtained through observation of 17 actual rape trials and interviews with the personnel who came into contact with those 17 rape victims, principally the police detective, the prosecutor, the defense attorney, and the judge. The attitudes of these persons toward the victim, as well as their professional participation in the case, are analyzed. The authors identify several problem areas for the victim during the court process, including delays in proceedings, having to recall and talk about unpleasant details and relive the rape experience, as well as being attacked for discrepancies between court testimony and the initial police report, having to undergo grueling cross-examination on the matter of consent, having to deal with the behavior and styles of the different key court personnel, and not being properly notified of the trial outcome and disposition of the offender. The authors discuss the various personal qualities of the victims and how these seemed to relate to the ability of the victim to withstand the ordeal. Six specific recommendations are made for offering rape victims greater social and legal support in the post-rape adjustment and trial period.

37. Burgess, Ann Wolbert and Lynda Lytle Holmstrom. Crisis and Counseling Requests of Rape Victims. *Nursing Research*, v. 23, no. 3, May–June, 1976. p. 196–202.

The authors conducted detailed interviews, and follow-ups where possible, with 146 rape victims admitted to the Emergency Services of Boston City Hospital over a period of one year to determine the crisis and counseling needs of rape victims in order to develop a counseling program which would serve as a model to rape counseling agencies in other locations. In this article the results of their findings are reported. Five categories of crisis needs were established: medical intervention, police intervention, psychological intervention, uncertain, and control. The victims' counseling needs and requests, expressed during follow-up interviews, frequently varied from the crisis requests initially expressed and fell more into the psychological and supportive services categories. These needs included confirmation of concern, ventilation, clarification and practical advice. The authors stress the importance of paying careful attention to, respecting and understanding the victims' requests and needs in order to provide better intervention.

38. Burgess, Ann Wolbert and Lynda Lytle Holmstrom. Rape Trauma Syndrome. *American Journal of Psychiatry*, v. 131, no. 9, September,

1974. p. 981–986.

Reprinted in Chappell, Duncan, Robley Geis, and Gilbert Geis, Eds. *Forcible Rape: The Crime, the Victim and the Offender.* New York, Columbia University Press, 1977.

Based on an analysis of symptoms noted in 92 interviewed rape victims, the authors were able to document the existence of a rape trauma syndrome and delineate its symptomatology as well as that of its two variations, compounded reaction and silent reaction. The syndrome is usually a two-phase reaction: an acute, disorganization phase and a long-term reorganization phase. In the acute phase both physical and emotional reactions are prominent, although varying over a wide range amongst different victims. The long-term reorganization phase involves the process of coping with the personal disruption caused by the rape and can include changing residence or telephone numbers, recurring nightmares, phobic reactions, and sexual anxiety. The authors present a number of clinical implications of their findings in terms of what clinicians might look for in the behavior of rape victims for indications of how best to treat them.

39. **Burgess, Ann Wolbert and Lynda Lytle Holmstrom. *Rape: Victims of Crisis.* Bowie, Maryland, Robert J. Brady, 1974. 308 p.**

Based primarily on actual cases handled in the first year of a victim counseling program at Boston City Hospital in 1972 by the co-authors, this book provides insights into the needs of victims, the motivation of offenders, institutional problems in dealing with rape and discusses methods of crisis intervention and victim counseling. The first section, using excerpts from real cases, sets out the different kinds of rape situations a victim can be exposed to and presents the motivation typologies of rapists developed by Murray Cohen and other sex researchers. The following two chapters describe the reactions to rape experienced by the victim herself, the family of the victim, the police, the hospital and the community in general. In the section on crisis intervention, the authors stress the importance of finding out and understanding as much about the victim's experience and reaction as possible in order to know how best to give assistance. Crisis theory is explained. Using the approach of considering the victim as a customer requesting a service is discussed. Methods and techniques of interviewing and counseling are presented, including the special demands on the victim and the counselor in going through court proceedings. In the last section the authors describe different kinds of victims, their special needs and ways of assisting them. These include adult victims, child and adolescent victims, homosexual rape victims, victims with psychiatric and social problems and prostitute victims. A glossary of terms is included.

40. **Fox, Sanda Sutherland and Donald J. Scherl. Crisis Intervention with Victims of Rape. *Social Work*, v. 17, no. 1, January, 1972. p. 37–42.**

Reprinted in: Schultz, LeRoy G., Ed. *Rape Victimology.* Springfield, Illinois, Charles C. Thomas, 1975. p. 232–244; Chappell, Duncan, Robley Geis and Gilbert Geis, Eds. *Forcible Rape: The Crime, the Victim and the Offender.* New York, Columbia University Press, 1977.

As a result of their work with 13 young, unmarried adult rape victims, the authors were able to delineate three sequential phases that apparently

represent a normal cycle of emotional responses to sexual assault. The three phases were acute reaction, outward adjustment, and integration and resolution.

41. **Greer, Germaine. Seduction is a Four-Letter Word. *Playboy*, v. 20, no. 1, January, 1973. p. 80–82, 164, 178, 224, 226, 228.**

Women's vulnerability to the act of rape is grounded in prevailing social norms where women are dependent on men and socialized to be passive, making it difficult for them to conceive of themselves as having the right to resist physical abuse and misuse with vigor or violence. The legal system, with its pro-male orientation, acts more as a deterrent than an inducement to victims to report rape incidents and go through with prosecution. Petty rape, which is sometimes construed as seduction, is perhaps the most insidious form of rape. In most communities women who wish to participate in a social life must do so as man's guest in a dating arrangement. The fact that the man initiates and pays for the entertainment means by extension that he also feels entitled to set the pace of the physical intimacies that will occur. A petty rapist takes advantage of any circumstances that are in his favor to override a woman's independence. Embarrassment or a sincere desire not to lose the personal contact make women capitulate, against their will, to aggressive sexual behavior by men. Rape is sexual exploitation in a most insidious and harmful form. Hostility towards women plays a large part in the loveless acts of petty rape. Women are now struggling to discover and develop their own sexuality and to know their own minds and bodies which should improve the bases upon which they communicate and deal with men. As they develop more confidence and self-esteem and become more supportive of one another, women will lose their reluctance to denounce men for petty rape and relieve themselves of that form of sexual oppression.

42. **Hardgrove, Grace. An Interagency Service Network to Meet Needs of Rape Victims. *Social Casework*, v. 57, no. 4, April, 1976. p. 245–253.**

There has been an increasing concern over the past several years about the crime of rape. This article first examines many of the issues surrounding the problem of rape and provides information on the legal definition of rape, public attitudes, the victim's needs, legal proceedings in rape cases, the typical response patterns of victims, and the forms of therapy available to the rape victim. The efforts made in Pasadena, California, to aid the rape victim are then outlined. A four-agency service network was established which included input from the Pasadena-Foothill Valley YWCA, the Huntington Memorial Hospital, the Foothill Family Service, and the Pasadena Planned Parenthood Association. This network provides a hotline service, medical treatment for rape victims, professional counseling, a victim advocate program, and follow-up testing for venereal disease and pregnancy. The network also provides public education concerning rape and services for rape victims. Case illustrations are included in the article to demonstrate the procedures and services of the network.

43. **Hilberman, Elaine. *The Rape Victim*. Washington, D.C., American Psychiatric Association, 1976. 98 p.**

This monograph attempts to summarize what is known about the needs and experiences of the female victim and her family and provides a framework

in which clinicians can more knowledgeably provide victim assistance and support. Some sociocultural, legal and medical aspects of rape are presented. Shortcomings in hospital care are mentioned and a list of recommendations for improving hospital services to rape victims, culled from several formal reports, is given. A description of community rape crisis centers and the importance of their function are also pointed out. Turning to the reactions and needs of rape victims, including the child victim, the author mentions considerations for counseling and treatment. In an analysis of the role of the psychiatrist in handling rape trauma, she expresses the need for hospital personnel to inform themselves not only of basic concepts and methods of crisis intervention but also of such extra-medical but relevant factors as criminal justice procedures, rape law and community attitudes. The monograph ends with a summary of research questions about rape that the author feels need attention. A four-page bibliography is included. The appendices contain operational and proposed guidelines for management of sexual assault cases.

44. Horos, Carol V. *Rape*. New Canaan, Connecticut, Tobey Publishing Co., Inc., 1974. 130 p.

This is one of a series of books put out by the publisher's *Women's Library* program, which publishes literature of special interest to women. Although it is primarily a handbook for rape victims or potential victims, the first three chapters go very briefly into the history of rape, myths about rape and different types of rapists identified in various studies of sex offenders. The following four chapters give advice and information on places where risk of being accosted is high, security measures against rape in one's home, self-defense tactics and what police, court and medical procedures and experiences reporting rape victims are likely to face. Included at the end of the book are a brief outline on how to establish a rape crisis center and a list of some rape crisis centers in the United States.

45. Lear, Martha Weinman. Q: If You Rape a Woman and Steal Her T.V., What Can They Get You for in New York? A: Stealing Her T.V. *New York Times Magazine*, January 30, 1972. p. 11, 55–56, 60, 62–63.

This article describes the constraints that the corroboration requirement in the New York State rape law, operative in 1972, put on the successful prosecution of rapists. The responses to attempts to change the law are discussed as well as the general mythology surrounding rape which informs societal attitudes towards rape and images of the rapist. The author quotes a psychologist in a sex offenders treatment center who describes different types of rapists and possible motivations behind rape. She also discusses the difference between seduction and rape. She describes the faulty communications between males and females which lead to sexual situations that contain elements of both rape and seduction.

46. McCombie, Sharon L. Characteristics of Rape Victims Seen in Crisis Intervention. *Smith College Studies in Social Work*, v. 46, no. 2, March, 1976. p. 137–158.

This article reports the findings of an exploratory research study of 70 rape victims seen and interviewed at the Beth Israel Hospital's Rape Crisis Intervention Program in Boston during its first year. After a brief review of

previously published research findings on victim responses to rape, data from the current study are presented covering demographic information about the victim, description of the rape and how it was experienced, responses immediately preceding, during, and after the assault, help-seeking behavior, social supports available, brief history of prior adjustment, and counselor's assessment of the victim's means of coping with the crisis. The implications these factors have for clinical intervention and counseling are discussed. Special counseling problems may be encountered with victims feeling doubt and/or guilt about their behavior in the rape situation, including their resistance, and with victims having personal problems prior to the rape.

47. **Metropolitan Washington Council of Governments. *The Treatment of Rape Victims in the Metropolitan Area.* Washington, D.C., 1976. 63 p.**

This report is designed to synthesize and present the findings of a special task force created by the Board of Directors of the Metropolitan Washington Council of Governments. The purpose of the task force was to study the treatment of rape victims in the Washington region, identify problems, and investigate means to achieving the goal of providing rape victims with informed, sensitive, and humane treatment. There were two phases to the task force's work: extensive research and the organization of a regional symposium. After an introduction and definition of the problems associated with rape, this report presents the research findings of the task force. These cover: (1) the police response to rape victims; (2) the response of the legal system to rape victims; (3) the response of the medical system to rape victims; (4) the response of specialized support services to rape victims; and (5) areawide consideratons in the treatment of rape victims, which include the needs of the victim, the capacities of the diverse agencies to provide services, and the coordinative capabilities of these organizations. The report also includes a broad set of suggested guidelines for treatment of rape victims in the Metropolitan Washington Area that were developed at the Council of Government's Regional Symposium on the Treatment of Rape Victims, held in June, 1976. The appendices of the report include an overview of rape in the metropolitan area, with tables giving information on the incidence of reported rape in the different jurisdictions from 1970 to 1976, and a paper which discusses the sociological and legal issues surrounding rape.

48. **Notman, Malkah and Carol C. Nadelson. The Rape Victim: Psychodynamic Considerations. *American Journal of Psychiatry*, v. 133, no. 4, April, 1976. p. 408–413.**

The response of rape victims is similar to the reactions of people to any severe stress situation, where an extreme environmental stimulus interacts with the adaptive capacity of the victim. Stress situations are generally defined by four stages: the anticipatory or threat phase, the impact phase, the post traumatic or "recoil" phase, and the post traumatic reconstitution phase. The dynamics of women's responses to rape involve affects, unconscious fantasies and adaptive and defensive ego styles. A striking phenomenon in rape victims is their lack of direct anger, which might be due to evocation of childhood memories of punishment for misdeeds, or to socialization of women to be passive. The socially reinforced suppression of aggression in women may also have an adaptive function for them. Guilt

and shame are virtually universal in rape victims, feelings that are increased when the focus is put on the sexual rather than the violent aspect of the experience. If one feels that in her unconscious a rape fantasy, which is quite different from rape in reality, broke down her defenses to unconscious destructive, masochistic wishes and played a part in the incident, her feelings of guilt and inability to maintain control of her destiny are intensified. The responses of men close to the victim are extremely important to the woman's recovery from rape but often are very complex and problematic for them as well as her. There are also specific implicatons associated with age and life situations in the reaction of women to rape. Recognition of the crisis nature of the rape experience has had an effect in changing the attitudes of psychiatrists towards rape victims from one of skepticism and defensive disregard to serious concern. Each rape victim presents special considerations and requires the acknowledgement and support of the professional in working through her complex problems.

49. Queen's Bench Foundation. *Rape - Prevention and Resistance*. San Francisco, 1976. 125 p.

This report presents the results of two studies conducted to gain insight into the consequences of victim resistance in rape. Both rape victims and rape offenders were interviewed. In both studies, interest was focused on the circumstances under which resistance deterred the rape attack, the particular kinds of resistance that were successful, and the circumstances under which certain kinds of resistance provoked increased violence. Through various publicity efforts to attract non-reporting victims as well as reporting victims, 64 victims of rape and 40 victims of attempted rape were interviewed. Information was sought on the behaviors of women who have faced rape attacks, the characteristics of the attack situations, and the response of the assailants. Differences between the victims of completed rapes and of attempted rapes were compared in an effort to measure the effectiveness of various resistance techniques. The offender study was initiated as a pilot study to explore the dynamics of sexual assault from the perspective of the sexual offender. Seventy-five excessively violent rapists and offenders convicted of attempted rape were interviewed at Atascadero State Hospital in California. Interest was focused on the rapist's aim, his selection of a victim and planning of the attack, his perception of provocation of the attack, and his response to victim behavior during the attack. In addition, these offenders' ideas on how rape might be prevented were solicited. Based on the results of these studies, conclusions are presented on the common patterns of assault, the differences between rapes and attempted rapes in terms of circumstances surrounding the act and behaviors of the actors, the frequency and causes of victim injury, and possible methods of deterring rape attempts. Extensive tables containing the data and statistical analyses are presented. The appendices include an outline for a suggested rape prevention workshop and a short paper on the impact of sexual assault on victims. A bibliography is also included.

50. Robin, Gerald D. Forcible Rape: Institutionalized Sexism in the Criminal Justice System. *Crime and Delinquency*, v. 23, no. 2, April, 1977. p.136–153.

Raped women are subjected to institutionalized sexism beginning with their treatment by the police, through the male-dominated criminal justice

system, influenced by pseudo-scientific notions of victim precipitation, and on to the systematic acquittal of many guilty rapists. The codification of sexism centers in the legal elements involved in proving guilt and obtaining convictions. In effect, the law's focus on corroboration, consent, and character has established a standard of proof in rape cases that is more stringent than in any other crime. Nonetheless, the processing of rape victims by the criminal justice system is gradually becoming more sensitive, facilitative, and responsive to the trauma experienced by the women involved. In addition, more research monies are being put towards projects intended to study and help alleviate the problems. The legal position towards the crime is also becoming less sexist and more responsive to the realities of sexual assault. These changes in attitude and increased concern towards rape victims are largely a result of efforts of the women's movement. Rape crisis centers provide humane and dignified treatment for rape victims as well as advocacy for victims dealing with the criminal justice system. Current efforts to reform rape laws by changing the legal elements of proof and establishing different degrees of the offense as well as modifying the basic definition of rape will assist in eliminating the institutionalized sexism that surrounds rape.

51. **Silverman, Daniel. First Do No More Harm: Female Rape Victims and the Male Counselor.** ***American Journal of Orthopsychiatry*****, v. 47, no. 1, January, 1977. p. 91–96.**

Although clinical experience indicates that female rape victims may prefer to relate to women counselors, the reality of crisis intervention work often means that male counselors or physicians are the first or only persons available. This article considers some of the difficulties inherent in a male helping women in crisis following rape. The male counselor should be aware of his own anxieties and prejudices and their effects on his response to rape victims. These can include fear of being rejected, desires to make up for the misdeeds of another man, or feeling women are somehow to blame for their rapes. The male counselor, although no less sensitive and caring than his female counterpart, may have greater difficulty in identifying with the female victim. Subconscious identification with any of the males involved with the victim, from the rapist to the victim's lover or father, can hinder the counseling process. The male counselor should be attuned to the victim's response to the rape and to him as a male. The problem rape victims have in establishing trusting relationships in the aftermath of rape is often heightened if the new relationship is with a man. The counselor must be aware of and prepared for the sources of feeling that lessen the victim's capacity to trust others and enter into new relationships. Such awareness will help him guard against personalization of the victim's response. Care sould also be taken to prevent the counseling experience from becoming a symbolic recreation of the rape by overzealous attempts to make the victim accept help or by other aggressive communications. The initial interaction with a rape victim should not be a compensatory or corrective experience but one in which a counselor offers supportive communication.

52. **Stock, F. Patricia Pechanec.** ***Personal Safety and Defense for Women.*** **Minneapolis, Burgess Publishing Company, 1975. 157 p.**

This book is designed to help women learn how to avoid becoming the victim of assault and to master specific skills to use against physical attack.

Part One contains discussions on the nature and causes of crime, the difficulties in reporting crime (particularly rape), and the problems of deterring crime. Parts Two and Three list devices to use and precautions to take for property protection and personal safety and for deterring and avoiding victimization. Part Four describes the use of weapons, weapon skills, and the individual's right of self-defense. Part Five outlines psychological techniques and physical personal defense techniques of counterattack. Illustrations show how to execute the skills and techniques presented in this piece. A bibliography is included.

53. **Symonds, Martin. The Rape Victim: Psychological Patterns of Response.** ***American Journal of Psychoanalysis,*** **v. 36, no. 1, Spring, 1976. p. 27–34.**

Before turning to the main focus of this article, the author reviews two major classifications of rapists—the compulsive and the predatory—and comments on their behaviors and motives. He notes that what all rapists have in common is the use of terror, intimidation and acts of violence to achieve the subjugation of the victim. Next, the psychological responses common to rape victims are described. During the rape itself, the victim experiences fright bordering on panic once she has overcome the initial reacton of shock and disbelief at the unexpected violence. The victim's behavior is directed toward self-preservation. The author suggests through several examples that the victim returns to innate behaviors of early childhood which he calls "traumatic psychological infantilism". This behavior of helplessness can often be read by others as friendly or cooperative. The author expands upon this concept of frozen fright by relating it to the signs of submission exhibited by animals. The terror of the rape situation destroys old learned patterns of behavior, isolates the woman from all safety and can produce regressive behavior in her. What determines the pattern of resistance that a victim will use is often based on early life experiences. By focusing on the terror instilled in a victim by the sudden, unexpected violence of rape, people might be more compassionate and less judgmental of the behavior exhibited by the victim.

54. **U. S. Department of Justice. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice.** ***Forcible Rape: Medical and Legal Information.*** **By Battelle Human Affairs Research Centers, Seattle, Washington. Washington, D.C., Government Printing Office, 1977. 24 p.**

This booklet was written specifically for police and prosecutors to hand out to rape victims in order to help them better understand the criminal justice and medical procedures which they will experience in the course of the investigation and prosecution of their cases. Each contact that a rape victim will have with the criminal justice system is outlined, from the initial police report through the medical procedures and police/prosecutor investigations to the actual trial. Because state laws differ and because each rape case is unique, the manner in which individual cases are handled may vary. Therefore, this booklet describes alternative police, hospital, and court procedures which the victim may expect to experience and explains the need for each. A glossary of legal and medical terms relating to the crime of rape is also provided and an appointment directory is furnished for recording the times and places of meetings with doctors, detectives, and prosecutor staff.

55. **U. S. Department of Justice. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. *Rape and Its Victims: A Report for Citizens, Health Facilities, and Criminal Justice Agencies*. By L. Brodyaga, M. Gates, S. Singer, M. Tucker and R. White, Center for Women Policy Studies. Washington, 1975. 361 p.**

The report is divided into four sections entitled "The Police Response," "The Response of Medical Facilities," "The Response of Prosecutors' Offices," and "The Response of Citizens' Action Groups." The material presented in each section is based on the findings of national surveys conducted in each of these areas, with special emphasis placed on agencies that have begun innovative changes in their approach to handling rape cases. Each section presents the findings from these nationwide surveys and then suggests guidelines based on reported programs, techniques, procedures, and policies that appear to be especially effective and valuable in handling rape victims and their cases and which might be suitable for transfer and replication in other jurisdictions. In addition to the guidelines in each section, the appendices contain materials that may be used as sample forms for police and hospital procedures or that augment the discussion of such topics as the police interview of rape victims, counseling for rape victims, and legal issues that are being raised by people seeking rape law reforms.

56. **U. S. Department of Justice. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. Office of Technology Transfer. *An Exemplary Project: A Community Response to Rape*. By Gerald Bryant and Paul Cirel, Polk County, Iowa, Rape/Sexual Assault Care Center. Washington, D.C., Government Printing Office, 1977. 113 p.**

This manual details the operations and procedures of the Polk County, Iowa, Rape/Sexual Assault Care Center which offers medical and social supportive aid to victims, assists law enforcement and prosecution efforts, and provides community education. The Center's victim services are coordinated with local medical and social service facilities. These services are described. Also described are the mutually supportive and cooperative relationship between the Center and the local criminal justice agencies and the self-publicity and community education efforts made by the Center. The statistical results and costs associated with the Center are reported in the final sections of the manual along with a discussion of means of evaluating and monitoring this sort of project. Throughout the manual attention is given to the possibilities of replication of various aspects of the project in other jurisdictions. The appendices include the Center's bylaws, victim questionnaires, and a reprint of a manual covering all aspects of rape devised from a conference organized by the Center in 1976.

57. **Weis, Kurt and Sandra S. Borges. Victimology and Rape: The Case of the Legitimate Victim. *Issues in Criminology*, v. 8, no. 2. Fall, 1973. p. 71–115.**

Reprinted in Schultz, LeRoy G., Ed. *Rape Victimology*. Springfield, Illinois, Charles C. Thomas, 1975. p. 91–141.

Using rape as an extreme example, this article explores victimization as a concept referring to societal processes which prepare the victim for the

crime and account for his or her experience during it as well as the treatment and response received by the victim after the crime. Although the legal definition of rape is clear, certain prejudices, stereotyping and myths about rape, rapists and rape victims and difficulties in obtaining the evidence legally required to prove a rape case in effect result in a much narrower working definition of rape as far as the police and public are concerned. This makes of the raped woman a "legitimate" or "safe" victim who will not be a threat to the rapist because she is unable to muster the forces necessary to bring against him the blame and accusation necessary to make him a legitimate offender. The a priori assumption found in victimology literature that the victim is somehow peculiar and psychologically different from others feeds the notion of victim-precipitation which in turn reinforces the way society treats rape victims. The study of victim-offender relationships by an influential victimologist has led to refinement in the art of blaming the victim, particularly in rape cases. The concept of victim-precipitation opens up the possibility of a legal concept of justifiable rape. The socialization processes of males and females, in a male-dominated social structure, act to mold women into victims. Women are educated to internalize the psychological characteristics of defenseless victims and the relationship between the sexes becomes an instrumental exchange whereby female servility is the price of male protection. Male socialization combined with the mythology surrounding rape have resulted in a distorted view of what constitutes an act of rape. The American dating system, with its built-in notion that the woman is an object which may be purchased, results in cross-sex expectations which can easily lead to rape. Setting aside the classic stranger-to-stranger rape, there are various reasons why a woman labels a sexual encounter rape and why third parties often have difficulty distinguishing between seduction and rape. Legal, sociological and psychological factors contribute to the trauma of rape victims and prevent them from relating their experiences to others or from reporting to the police. While rape is not confined to any socioeconomic class, there may be extra-legal reasons why overrepresentation of lower social strata people is found among rape victims and offenders in cases reported to the police. The feminist movement and the sexual revolution may both have major implications for the future outlook on rape.

B. Medical Care and Examination of Victims

58. Abarbanel, Gail. Helping Victims of Rape. ***Social Work,*** **v. 21, no. 6, November, 1976. p. 478–482.**

This article describes the major components of an established program and presents guidelines for developing hospital-based comprehensive rape treatment. Rape victims require a broad range of services from persons in the fields of medicine, law and mental health. Because of the emotional state of the victim it is preferable that one agency take responsibility for initial treatment and coordination of additional support services. The emergency department of a hospital is perhaps the best equipped community resource for this because of the expertise that is located there and the fact that it is open 24-hours a day. Other community resources can be incorporated into the program by referrals. The Santa Monica Hospital Medical Center in California instituted a model rape-treatment program to provide comprehensive services to rape victims and reduce the trauma of

reporting the crime. It's components include dissemination of information about the program, medical care and follow-up, supportive counseling and social services, special staff training, coordination with other agencies, community education and consciousness raising, and program evaluation to modify and improve services where necessary. The experience with the program indicates that rape victims are more able and willing to provide information and to cooperate in the rapist's prosecution when they receive comprehensive support services.

59. Cohen, Fay G., Duncan Chappell and Gilbert Geis. Changes in Hospital Care for Rape Victims. *Journal of Emergency Nursing*, v. 2, no. 6, November–December, 1976. p. 19–23.

In 1973, a survey of 66 large hospitals in the United States was conducted to determine the extent and type of services provided by the hospitals to rape victims. At that time, 23 percent of the respondents indicated they were in the process of changing their programs or policies toward rape victims. In 1975, a follow-up hospital survey was conducted, overlapping with 61 percent of the original respondent hospitals, to explore the types of changes that had occurred in the intervening 18 months and to gain insight into factors motivating change. The results of this survey indicated widespread changes in hospital care for victims between 1973 and 1975. The most frequently mentioned change was the development of written procedural guidelines. The next two most frequently noted changes were in medical procedures, laboratory tests, or prophylactic drug treatment and in availability of mental health care. There was a notable lack of change in the areas of assuming financial responsibility for the rape victim's examination and in the locale of treatment. As to the factors influencing change, the most prominent was increased community awareness and pressure, particularly from the police and women's organizations. The article contains tables summarizing the data gathered in frequencies and percentages.

60. McCombie, Sharon L., Ellen Bassuk, Roberta Savitz and Susan Pell. Development of a Medical Center Rape Crisis Intervention Program. *American Journal of Psychiatry*, v. 133, no. 4, April, 1976. p. 418–421.

The Rape Crisis Intervention Program at Beth Israel Hospital, Boston, is aimed at integrating and expanding available medical services and providing psychiatric crisis counseling to rape victims. The authors of this article describe some of the problems that are encountered in trying to implement this kind of program in a medical setting. The authors mention the community and hospital resistance to recognizing rape as a legitimate health issue, deserving medical and psychological services. There are two major sources of hospital resistance to mobilizing supportive services: staff prejudices about rape and staff underestimation of the significance of emotional crises. A description of the Rape Crisis Intervention Program is given, highlighting the training involved and the victim services provided. The authors then discuss the implementation problems the program has encountered, including staff resistance, funding questions, and varying levels of counseling competence.

61. McCubbin, Jack H. and Daniel E. Scott. Management of Alleged Sexual Assault. *Texas Medicine*, v. 69, September, 1973. p. 59–64.

A description is presented of how to conduct a medical examination of a

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rape victim in order to collect proper medicolegal evidence as well as provide necessary treatment. The article includes a description of administrative requirements such as consent forms and photo releases, a discussion of what should be determined as part of the patient's medical history, and guidelines for the actual medical examination. The authors also list the specific items that should be prepared as evidence. In addition, they suggest treatment and follow-up procedures.

62. **McGuire, L. S. and Michael Stern. Survey of Incidence of and Physicians' Attitudes Toward Sexual Assault. *Public Health Reports*, v. 91, no. 2, March–April, 1976. p. 103–109.**

In order to gain information on the types and number of rape victims treated by private physicians and to assess these physicians' knowledge of and attitudes towards sexual assault, a survey was conducted in King County, Washington, in 1973. In addition, 258 college undergraduates in psychology were administered questionnaires to contrast the knowledge level and attitudes of non-medical persons with those of the physicians. The results did not confirm the postulated high incidence of treatment of rape victims by private physicians. As to the knowledge level of rape, both the responding physcians and student subjects answered approximately 60 percent of the questions correctly. The respondents' attitudes toward sexual assault were inferred from the direction of their responses. The physicians shared attitudes similar to those of the male students. The female students tended to overestimate the incidence of rape, the physical trauma associated with it, and the timing of its psychological aftereffects. Tables are included in the article showing the questions asked in the survey and a summary of the responses obtained to each one.

63. **Paul, David M. The Medical Examination in Sexual Offences. *Medicine, Science and the Law*, v. 15, no. 3, July, 1975. p. 154–162.**

The author, a British clinician, points out that since any doctors could be called upon to make an examination of a rape victim or a rape suspect and since often the examinations will have to be done at off-hours when the doctor may not be in top shape, there is great value and importance attaching to a set routine for making these examinations. He lists three objects of the clinical examination: (1) to discover if the clinical findings are in keeping with the history of the incident being investigated; (2) to determine if there is clinical evidence that the act in fact took place; and (3) to gather physical evidence to enable the forensic laboratory to be of help in confirming or denying the alleged offense. The rest of the article is devoted to suggested routines for clinical examinations in sex offense cases and to ways of recording the results in a manner that would be most useful to criminal justice authorities.

64. **Root, Irving, Wendell Ogden and Wayne Scott. The Medical Investigation of Alleged Rape. *Western Journal of Medicine*, v. 120, no. 4, April, 1974. p. 329–333.**

The importance of the physician's medical examination of a rape victim is discussed. It is pointed out that although the primary purpose of the examination is to provide medical information for legal investigation and action, the physician is often called upon to treat physical and emotional trauma. A checklist is presented, identifying the types of information the

physician should acquire during the examination of a rape victim. The authors supplement the checklist with commentary on why certain information is important and how best to gather it. They stress that the physician cannot and should not state whether the patient has been raped because rape is a legal concept, not a medical one. They add that the physician may discuss the examination results with the investigating officers but should not confront the patient herself with any discrepancies in the findings. The legal issue of consent in rape is discussed, as well as the personal anguish and distress the victim often suffers and the impact a charge of rape may have on a man.

65. **Vitullo, Louis R. Physical Evidence in Rape Cases.** ***Journal of Police Science and Administration,*** **v. 2, no. 2, June, 1974. p. 160–163.**

The author suggests procedures for the recovery of physical evidence and biological specimens from rape victims admitted to hospital emergency rooms. He divides the examination into three phases: (1) observation; (2) data recording; and (3) physical examination and recovery of physical evidence. The first phase includes observation of the mental state and clothing of the victim. The second phase includes recording personal data about the victim, as well as details of the attack. The third phase consists of procedures and techniques for obtaining specimens of semen and other foreign materials for examination in the crime laboratory.

66. **Williams, Cindy Cook and Reg Arthur Williams. Rape: A Plea for Help in the Hospital Emergency Room.** ***Nursing Forum,*** **v. 12, no. 4, 1973. p. 388–401.**

The emergency room of a hospital, where varied sources of expertise are centralized, can offer excellent physical and mental health care for the victim of rape. However, often this potential is not actualized. The attitudes which professional workers have about rape can be acted out when caring for the victim, resulting in disbelief, curiosity, moralizing, and even a rough pelvic examination. Rape victims should not be subjected to further trauma by professional workers at a time when help is so desperately needed. The professional nurse is in a key position to promote changes in the treatment of rape victims. As an advocate of the patient, she can provide needed crisis intervention and establish definitive emergency room programs for rape victims with an emphasis on interdisciplinary care and inservice education. Professional schools should be encouraged to include the problem of rape in their curriculum. Comprehensive public education programs are needed.

C. The Child Victim

67. **Burgess, Ann Wolbert and Lynda Lytle Holmstrom. Sexual Trauma of Children and Adolescents.** ***Nursing Clinics of North America,*** **v. 10, no. 3, September, 1975. p. 551–563.**

The authors describe work they did with children and adolescents who were pressured into sexual activity with a person who stood in some dominating or authoritative position over them. Accessory-to-sex is the diagnostic label they give this form of sexual assault or activity. Forty-two victims were seen, 36 female and 6 male, 27 white and 15 black. Most

were under the age of 9. Almost half of the offenders were family members. The forms of pressure on the victim, when such data were available, were either material goods, misrepresentation of moral standards or need for human contact. The types of sexual activity reported were penetration, hand-genital contact, and mouth-genital contact. Generally, the offender tried to pledge the child to secrecy. The emotional reaction of the victim was shown to be greatly affected by how and when the secret was disclosed and the behavior of the person to whom it was revealed. The authors discuss the clinical implications of their findings, including ways of managing the different reactions of the children and symptom formation. They conclude by posing some still unanswered questions relating to the effects of accessory-to-sex experiences for children.

68. Flammang, C. J. Interviewing Child Victims of Sex Offenses. *Police*, v. 16, no. 6, February, 1972. p. 24–28.

Reprinted in Schultz, LeRoy G., Ed. *Rape Victimology*. Springfield, Illinois, Charles C. Thomas, 1975. p. 245–256.

The aim of this article is to provide a guide to police officers on the proper techniques for interviewing children under 14 who have been victims of sex offenses. Pedophilia and the range of sexual encounters children might experience are explained. The importance and competence of the child victim as a witness are discussed. In presenting the elements of proper police interviewing, the author distinguishes between interrogation and interviewing. The importance of communication, rapport and timing are stressed. He points out that the complexity of interviewing child victims of sex offenses is compounded by the emotional involvement of parents or relatives of the child which the police officer will also have to handle. The author discusses the techniques that should be used in interviewing child victims in order to determine the child's capability to be a witness in court and to obtain details of the offense. The author points out additional actions after the interview and during the trial which the police officer should take to ease the situation for the victim and the parents.

69. Hogan, Walter L. Brief Guide to Office Counseling: The Raped Child. *Medical Aspects of Human Sexuality*, v. 8, no. 11, November, 1974. p. 129–130.

This article presents a guide to physicians on how to examine a child victim of sexual assault with care and with as much detail as might be required in later court proceedings. A general examination of the child should lead gradually to examination of the genital area of which a descriptive analysis should be made. All information must then be used to achieve a clinical opinion as to the possibility of sexual penetration. No opinion of actual rape should be volunteered. Only the positive clinical features should be submitted in testimony, unless the physician is requested to give an opinion as to sexual penetration. Parents must be reassured about their child. Certain aftercare procedures for the child are recommended.

70. Peters, Joseph J. Children Who Are Victims of Sexual Assault and the Psychology of Offenders. *American Journal of Psychotherapy*, v. 30, no. 3, July, 1976. p. 398–421.

The first section of this article is devoted to an historical review of the early psychiatric discoveries of Freud and colleagues. The author reveals

evidence in Freud's works which shows hesitancy and aversion to admitting that some adult fantasies of sexual assault in childhood might in actuality have been real occurrences. The second part of the article consists of a description of seven clinical cases from the author's private practice which he uses to illustrate several points, particularly relating to adults who have been sexually assaulted as children. In the third section, a psychological profile of the child molester is presented. The information was gathered from psychological testing of probationary sex offenders at the Philadelphia General Hospital in 1973 and 1974. The author presents data on 64 child victims seen in 1973. The information, given in percentages, relates to the circumstances of reporting the incident, the family's attitudes and concerns, the child's feelings and behavior, the offender's relationship to the child and his behavior towards the child, and the types of sexual contact and injury. Recommendations on crisis intervention for child rape victims make up the final section of the article.

71. Queen's Bench Foundation. *Sexual Abuse of Children*. San Francisco, 1976. 69 p.

This is a report of a pilot project undertaken in San Francisco to explore the problem of juvenile sexual victimization. The report includes a literature review and individual sections containing descriptive analyses of how child sexual abuse is handled by the police, the district attorney's office and the courts, the hospitals, outreach-court protective services and community services. Statistical data from certain of these agencies' records are presented. The project researcher points out the weaknesses, strengths and problems of each of these agencies or services and makes recommendations for improvement. The overall results of the study indicate that a large amount of sexual abuse of children goes unreported, particularly if the offender is a friend or relative of the victim, that there is inadequate training for professionals serving sexual abuse victims and that poor coordination among services to these children hinders effectiveness. A bibliography and appendices are included in the report.

72. Roth, Edwin I. Emergency Treatment of Raped Children. *Medical Aspects of Human Sexuality*, v. 6, no. 8, August, 1972. p. 85, 89–91.

This article discusses the difficult and complex situation facing a physician when an adolescent or child is brought into the emergency room and medical treatment for rape is requested. The author stresses that calm reflection is of utmost importance although the atmosphere of anxiety, anger, and excitement makes it difficult. He describes a case to illustrate the underlying emotional concerns of adolescents and their parents in these situations. Several basic principles are presented to guide the physician in management of raped children. Proper and sensitive interviewing of the child should be conducted before any examination is performed in order to determine whether in fact a rape has occurred or other problems are present. In some cases severe emotional or social problems of the child and/or the parents suggest need for psychiatric or social agency referral which is most helpful if done at the beginning of a case. The appropriateness of a pelvic or visual examination is discussed.

D. Homosexual Rape

73. **Davis, Alan J. Sexual Assaults in the Philadelphia Prison System and Sheriff's Vans. *Trans-Action*, December, 1968. p. 8–16.**

Interviews with 3,304 inmates of the 60,000 who passed through the Philadelphia prison system from 1966 to 1968, along with interviews of custodial employees, revealed that sexual assaults in the prison systems were epidemic. Of the estimated 2000 assaults that occurred, 156 of which were documented, only 96 were reported to prison authorities and of these only 26 were reported to the outside criminal justice system. Various reasons are put forth why the statistics on sexual assaults represent only the tip of the iceberg. Unwritten rules and the reality of prison culture discourage reporting of such incidents. Firsthand accounts by some of the inmates involved in sexual assaults graphically illustrate the brutality and degradation of the experience. Physical and psychological characteristics of victims and aggressors are compared. The author concludes that sexual assaults in prison are not primarily caused by sexual deprivation but are expressions of anger and aggression prompted by the same basic frustrations that existed in the outside lives of these inmates, exacerbated by imprisonment and racial hostility. An inset to this article describes the problem of homosexual rape in the Philadelphia County Sherriff's van going to and from prison.

74. **Scacco, Anthony M., Jr. *Rape in Prison*. Springfield, Illinois, Charles C. Thomas, 1975. 127 p.**

The author's thesis in this book is that rape in prisons is predominantly an act of hostility and revenge, of blacks on whites, combined with a need to validate masculinity. Different acts of sexual aggression known to occur in correctional institutions are discussed. Several theories of how racism, cultural patterning and institutional settings combine to create this situation are advanced. The author draws his information from personal observations and experience in the field of corrections, research studies, government publications, journalistic accounts, police information and by writings and interviews with persons directly involved in this problem. Suggestions are made of changes that could be effected inside and outside prison to ameliorate this condition. One hundred and seven references are listed and both an author and subject index are provided.

75. **Sexual Assaults and Forced Homosexual Relationships in Prison: Cruel and Unusual Punishment. *Albany Law Review*, v. 36, no. 2, 1972. p. 428–438.**

This article questions whether confining men in prisons where there is a high occurrence of forced homosexual relations and sexual assault violates the eighth amendment of the constitution which prohibits cruel and unusual punishment. The author reviews the definition and scope of what constitutes cruel and unusual punishment according to evolving standards of decency of a maturing society. Two federal lower court cases are cited which declared confinement under inhuman conditions constituted cruel and unusual punishment. The author describes certain conditions and practices in prisons which foster sexual assaults and attempts to show that they

are unconstitutional in light of these two decisions. Measures to decrease the probability of sexual abuses are suggested.

76. **Weiss, Carl and David James Friar. *Terror in the Prisons: Homosexual Rape and Why Society Condones It.* Indianapolis, Bobbs-Merrill Company, 1974. 247 p.**

The aim of this book is to expose the extent and circumstances of prison rape in an effort to educate the public to what the authors contend is the most closely guarded secret activity in American prisons. The first section presents case histories and conversations with both male and female victims of prison rape which illustrate the terror, toughness and humiliation which surround these incidents. The second section focuses on prison rapists and includes interviews with some of them. Behavior patterns of rapists and their victims are described. The third section deals with the attitudes and policies of prison administrators. The authors contend that prison guards are one of the major forces in perpetuating these sexual assaults, either by ignoring them or taking an active role in them, and that administrators tend to ignore the problem. The last section is devoted to solutions to the prison rape problem which would require sweeping changes in the organization and philosophy of the entire correctional system.

III. RAPE OFFENDERS

77. Bromberg, Walter and Elizabeth Coyle. Rape: A Compulsion to Destroy. *Medical Insight*, April, 1974. p. 21–22, 24–25.

The fact that even in an age of sexual permissiveness rape is on the increase, combined with information on the psychological patterns of men who commit rape, seem to support the feminist view that rape is more an act of hostility towards women than an encounter for sexual relief. Studies of convicted rapists show them to fall into five categories: the immature adolescent rapist, who is worried about his sexual inadequacy; the gang rapist, whose motivation is more for status among his peers than sexual satisfaction; the adult rapist, with sadistic tendencies; the lonely rapist, with low self-esteem and hate towards the world in general; and the despoiler, who cannot tolerate feminine beauty and is driven to destroy it. The rapist dreams of being a compelling lover but ends up a destroyer.

78. Cohen, Murray L., Ralph Garofalo, Richard Boucher and Theoharis Seghorn. The Psychology of Rapists. *Seminars in Psychiatry*, v. 3, no. 3, August, 1971. p. 307–327.

Reprinted in: Stephen A. Pasternack, Ed. *Violence and Victims*. New York, Spectrum Publications, 1975. p. 113–140; Duncan Chappell, Robley Geis and Gilbert Geis, Eds. *Forcible Rape: The Crime, the Victim and the Offender*. New York, Columbia University Press, 1977.

The authors begin with a description of the events leading up to the passage of the Massachusetts law governing sexually dangerous persons and briefly review the objections to that and other statutes of its genre. The rest of the article is devoted to clinical assessments of the rapists referred to the Treatment Center at the Bridgewater Correctional Institution under the statute and a discussion of basic patterns of rape which differentiate three classes of rapists identified by the authors. The classification is made in terms of descriptive features of the rape act itself, the interrelationship of the sexual and aggressive impulses and the development level of those impulses, ego interests and attitudes, defensive structure, unconscious fantasies that appear directly related to the sexual assault, and the mode of object relations and the level of objective ties. Three clinical classifications of rape are identified: (1) Rape – Aggressive Aim, where the rape serves to humiliate, degrade, and defile the victim; (2) Rape — Sexual Aim, where aggression is used primarily in the service of a sexual wish; and (3) Rape—Sex-Aggression Defusion, which has a strong sadistic component. Paranoid features are predominant in the Rape—Sex-Aggression group, less so but still present in Rape—Agressive Aim, and relatively absent in Rape—Sexual Aim. The primitive quality of the aggressive impulse shows the same pattern. Sexual perversions are far more common in Rape — Sexual Aim, with excessive defenses against homosexuality through exaggerated masculinity predominant in Rape — Aggressive Aim. The level of object ties, the capacity to experience love, tenderness, and warmth, the ability to be kind and generous are clearly different among the three

groups. Response to therapy also varies, the least success having been experienced with the Rape — Sex-Aggression group.

79. Davis, Keith E. and G. Nicholas Braucht. Exposure to Pornography, Character, and Sexual Deviance: A Retrospective Survey. *Journal of Social Issues*, v. 29, no. 3, 1973. p. 183–196.

The purpose of this study was to evaluate relationships among exposure to pornography, moral character, and deviant sexual behavior, including rape. Questionnaires requiring retrospective self-reporting were filled out by 365 subjects from 7 types of social groups comprising jail inmates, college students of three ethnic backgrounds, and members of Catholic and Protestant religious organizations. For the purposes of the study three age-of-earliest-exposure-to-pornography subgroups were designated: 13 or earlier; 14 to 16; and 17 or older. The results showed a modest relationship between poor character scores and amount of exposure to pornography in subjects exposed at 17 or older. A positive relationship was found between sexual deviance and exposure to pornography at all age-of-exposure levels. The pattern of the results obtained leaves open the possibility that early exposure to pornography plays some casual role in the development of sexually deviant life styles or the possibility that exposure is merely part of or a product of adopting a sexually deviant life style.

80. Dix, George E. Determining the Continued Dangerousness of Psychologically Abnormal Sex Offenders. *Journal of Psychiatry and the Law*, v. 3, no. 3, 1975. p. 327–344.

This is a report of a study aimed at assessing the ability of mental health professionals to predict with acceptable reliability the dangerousness of persons classified as mentaly disordered sex offenders. Direct observations by a legally trained observer were made of staff decisions concerning whether psychologically abnormal sex offenders committed as dangerous were still dangerous. The staff's decision was found to be influenced by the offender's willingness to admit guilt and responsibility and by his fantasies of future offenses. It was also affected by the offender's behavior in the institution, the duration of institutionalization, the seriousness of the offense committed, and changes in the situation to which the offender would be discharged. Anticipated benefits from continued exposure to the institutional program were also considered. The apparently necessary reliance upon a conceptualization of antisocial conduct as a response to stress and factors only indirectly, if at all, related to an objective standard of "continued dangerousness" raises significant doubts concerning the propriety of programs of social control that make continued institutionalization depend upon a professional determination of continued dangerousness.

81. Fisher, Gary and Ephraim Rivlin. Psychological Needs of Rapists. *British Journal of Criminology*, v. 11, no. 2, April, 1971. p. 182–185.

The Edwards Personal Preference Schedule (EPPS), used to study the need structure of criminal offenders, was used to test 100 rapists at the California Department of Corrections' receiving center. The EPPS scores of the rapists were compared to the scores of other adult male offenders and adult male non-offenders. Rapists, compared with non-offenders, tended to be less aggressive, less independent and self-motivated, and less self-assured and dominant. They demonstrated a greater heterosexual need, a greater

propensity to analyze their own and others' motives, to be more self-critical, and to have a greater need to endure. Compared to other offenders, rapists tended to be less achievement oriented, less self-assured and aggressive, and less independent. These findings can be interpreted as being consonant with the thought that the act of rape is an expression of hostility by a male who feels weak, inadequate and dependent.

82. Garrett, Thomas B. and Richard Wright. Wives of Rapists and Incest Offenders. *Journal of Sex Research*, v. 11, no. 2, May, 1975. p. 149–157.

Interviews with 18 wives of forcible rapists and incest offenders at Atascadero State Hospital indicated that, among other things, the wives were more highly educated than their husbands. The women appeared to gain considerable satisfaction from the offenses of their husbands, perhaps because it put them in the role of martyrs, a role that may have been originally involved in their marriages to persons "inferior" to themselves. The wives, despite obvious cues, reported being surprised at their husbands' offenses, and not one indicated that her marriage had suffered as a consequence of her husband's behavior. The study concludes that, for this sample, rape and incest by the husbands served as a particular useful lever by which wives can further build positions of moral and social dominance.

83. Giggens, T. C. N., C. Way and K. L. Soothill. Behavioural Types of Rape. *British Journal of Psychiatry*, v. 130, January, 1977. p. 32–42.

The information contained in this study was drawn from British court records of persons charged with rape in 1961. Offenders fell into three behavioral groups: pedophiliac rapists, aggressive rapists, and others, including a wide range of offender-types. Compared with the other groups, pedophiliacs are more often convicted of attempted rape, are more often convicted of two or more rape offenses, more often plead guilty, more often are charged alone and have a wider scatter of age. Additional charges of these offenders often included a property offense which might lend support to the theory of psychosexual motivation to nonsexual crimes. The pedophiliac rapists had the highest proportion of previous sexual offenses and the aggressive offenders had the highest proportion of previous convictions for personal violence. The aggressive rapists had the highest proportion of subsequent offenses. Both pedophiliac and aggressive rapists had the same proportion of subsequent sex offense convictions but they differed in character. Those acquitted of rape in 1961 had almost as many subsequent sex offenses of a serious nature as those convicted.

84. Goldstein, Michael, Harold Kant, Lewis Judd, Clinton Rice and Richard Green. Experience with Pornography: Rapists, Pedophiles, Homosexuals, Transsexuals, and Controls. *Archives of Sexual Behavior*, v. 1, no. 1, 1971. p. 1–15.

An interview designed to assess a respondent's experience with erotic material in photographs, films, and books, during adolescence and adulthood, was administered to convicted male rapists, pedophiles, homosexuals, transsexuals, heavy pornography users, and two nondeviant contrast groups. One nondeviant group was composed of whites matched for the sex offender group; the other was composed of ghetto and middle-class blacks. Adolescent exposure to erotica was significantly less for all devi-

ant and offender groups compared to the nondeviants. During adulthood, the sex offenders and transsexuals continued to report less exposure to erotic stimuli than controls. The homosexuals and users, however, both report greater exposure during adulthood. As adolescents, the control group, rapists, and heavy users were excited to masturbate by the erotic materials more than the other groups. As adults, the controls and rapists showed a sharp decrease in being excited to masturbate to erotica while the users' rate remained high and the homosexuals' rate rose. Less than a quarter of the respondents in any group imitated sexual behavior seen in the erotic material immediately or shortly after its viewing. The hypothesis that extent of exposure during adolescence to erotica is positively associated with the later emergence of sexual pathology is not borne out by this study. The nondeviant, non-sex-offender groups sampled had had significantly greater exposure to erotic materials during adolescence than the deviants, convicted sex offenders, or heavy adult users of pornography.

85. Groth, A. Nicholas and Ann Wolbert Burgess. Rape: A Sexual Deviation. *American Journal of Orthopsychiatry*, v. 47, no. 3, July, 1977. p. 400–406.

Rape should be recognized as a sexual deviation, resulting from psychological determinants in the offender, rather than as a sexual offense which is often viewed simplistically as the outcome of situational factors. The authors redefine sexual deviation so that it reflects the primary motive or psychological dynamic underlying the sexual behavior. Contrary to some other experts in the field, they view rape as a pseudosexual act in which the primary motive is not physical gratification. Their contention is based on data obtained by them through their respective work on 133 offenders and 92 rape victims during 1972–1973 which revealed factors inconsistent with the view of rape as the result of simple sexual arousal or frustration. They investigated the number and types of sexual outlets available to the offenders at the time of the rape, the incidence of force rather than seductive or other pre-coital lovemaking techniques, the compulsive behavior of offenders, sexual dysfuncton of offenders during the act, and the occurrence of anger or power as the motivation of the act. The results revealed the primarily non-sexual, deviant nature of rape. In looking at the crisis components of rape, the authors see the rapist behaving in response to an internal effect, which they call failure in bio-psycho-social control, and the victim experiencing the assault as an external effect in the form of loss of physical control in the situation. For various reasons, rapists seldom come to the attention of mental health clinicians which has manifold unfortunate results. First, it means professionals get little opportunity to develop expertise in this form of sexual psychopathy; second, the rapists themselves do not get treatment they need; and, third, the community is left with the constant, unmitigated threat of rape.

86. Henn, Fritz A., Marijan Herjanic and Robert H. Vanderpearl. Forensic Psychiatry: Profiles of Two Types of Sex Offenders. *American Journal of Sex Offenders*, v. 133, no. 6, June, 1976. p. 694–696.

The authors examined the records of 239 defendants charged with sexual crimes and referred for evaluation to the Malcolm Bless Mental Health Center Forensic Service in St. Louis during the years 1952 to 1973. The purpose of their study was to determine what distinguishing characteristics might be found among different groups of defendants charged with dif-

ferent sexual offenses. Since rapists and child molesters made up the majority of the sample, the authors focused on these. They found that 75 percent of the rapists were under 30 while child molesters were distributed over a wide range of ages. The predominant diagnostic grouping for rapists was antisocial with violent tendencies, whereas only a small proportion of child molesters were found to be antisocial and their dominant diagnosis was sexual deviant without other disorders. Alcoholism and drug abuse were the predominant secondary diagnoses for both rapists and child molesters. The authors conclude that psychosis does not appear to be associated with either of these sexual offenses.

87. **Jacobs, Daniel. Psychiatric Examinations in the Determination of Sexual Dangerousness in Massachusetts.** ***New England Law Review,*** **v. 10, no. 1, Fall, 1974. p. 85–103.**

Massachusetts law proides that a person found to be "sexually dangerous" may, after a hearing, be committed for an indefinite period, spanning one day to life, to the Treatment Center at Bridgewater. How the state determines who is sexually dangerous, the crucial role of psychiatric testimony in that determination, and the need for stronger safeguards concerning psychiatric examinations comprise the subject of this article. Several case studies are presented to illustrate the extent to which the lack of standards for evaluation, coupled with an unquestioning judiciary process during pre-commitment hearings, may lead to injustices towards offenders. Attached to the article as an appendix is the reprint of a Mental Status Examination.

88. **Karacan, Ismet, Robert L. Williams, Manuel W. Guerrero, Patricia J. Salis, John I. Thornby and Carolyn J. Hursch. Nocturnal Penile Tumescence and Sleep of Convicted Rapists and Other Prisoners.** ***Archives in Sexual Behavior,*** **v. 3, no. 1, 1974. p. 19–26.**

Nocturnal penile tumescence, sleep EEG, and eye movement patterns were monitored for 3 consecutive nights among 12 convicted rapists, 12 prison controls, and 12 normal controls. Both prison groups exhibited significantly greater frequencies and amounts of non-REM semi-tumescence; shorter periods in bed, shorter sleep periods, and shorter total sleep times; lower sleep efficiency indexes; greater percentages of awake time; and shorter latencies to the first awakening after sleep onset than normal controls. Rapists experienced less slow-wave sleep than prison controls, and prison controls showed a greater number of awakenings and a smaller percentage of stage 2 sleep than normal controls. There were no significant nocturnal penile tumescence differences between prison groups. MMPI profiles of the two prison groups did not differ significantly, but both indicated significant psychopathology on several scales. Quick Test IQ scores of rapists were slightly, but significantly, lower than those of prison controls.

89. **Kutchinsky, Berl. The Effect of Easy Availability of Pornography on the Incidence of Sex Crimes: The Danish Experience.** ***Journal of Social Issues,*** **v. 29, no. 3, 1973. p. 163–181.**

Since 1967, the number of sex crimes in Denmark dropped from 85 to 50 per 100,000 population during the same period that availability of pornographic materials increased dramatically On the basis of various investigations, including a survey of public attitudes and studies of police reports

and opinions, it was established that at least in one type of offense—child molestation—the decrease represents a real reduction in the number of offenses and is not an artifact of reporting. During the 10 years studied, there were fewer reports of minor cases of physical indecency towards women but no decrease in the number of reported rape offenses. The question of why availability of pornography apparently did not affect exhibitionists or offenders against adult women, including rapists, is examined.

90. Pacht, Asher R. and James E. Cowden. An Exploratory Study of Five Hundred Sex Offenders. *Criminal Justice and Behavior*, v. 1, no. 1, March, 1974. p. 13–20.

In this study, an attempt was made to assess a variety of types of sex offenders with respect to demographic, personality, and social factors, including the interaction between victim and offender. Case records of 501 sex offenders were examined, 380 of whom had been recommended for treatment as sexual deviates (SDs) under the Wisconsin Sex Crimes Law and 121 of whom were recommended for disposition under the Criminal Code (CCs). A comparison between SDs and CCs showed the SDs to be significantly older, more often Caucasian, having a higher frequency of previous sex offenses, being less involved with alcohol and having closer relationships to their victims. A random sample of 109 offenders was selected from the total 501 and divided into three categories: those who committed assaultive sex offenses such as rape or attempted rape; those who offended against immature victims; and passive, non-assaultive offenders. The more seriously assaultive offenders, as compared to the nonassaultive offenders, showed significantly less concern for their victims, had experienced less provocation by their victims, were less educated and showed significantly more prior assertiveness towards adult females.

91. Rada, Richard T., D. R. Laws and Robert Kellner. Plasma Testosterone Levels in the Rapist. *Psychosomatic Medicine*, v. 38, no. 4, July-August, 1976. p. 257–268.

This study is one of a series designed to investigate the psychosocial and biological factors involved in the commission of violent sex offenses. Plasma testosterone level was measured in 52 rapists and 12 child molesters at the Atascadero State Hospital in California who had completed the Buss-Durkee Hostility Inventory, the Megargee Overcontrolled Hostility Scale, and the Michigan Alcoholism Screening Test. The rapists were classified according to the degree of violence during the commission of the rape. The ranges and means of the plasma testosterone level for rapists did not differ significantly from normal subjects. This suggests that it is unlikely that the aggressive act of rape is determined largely by high levels of testosterone. However, the group of rapists who were judged to be most violent had a significantly higher mean plasma testosterone level than normals, child molesters, and other rapists in this study. Mean Buss-Durkee hostility rating scores for rapists were significantly higher than the mean for normals, but there was no correlation between individual hostility scores and plasma testosterone levels. There was no correlation between age, race, or length of incarceration and plasma testosterone level.

92. Rader, Charles. MMPI Profile Types of Exposers, Rapists, and Assaulters in a Court Services Population. *Journal of Consulting and Clinical*

***Psychology*, v. 45, no. 1, 1977. p. 61–69.**

In this study, Minnesota Multiphasic Personality Inventory (MMPI) profiles of groups made up of 36 exposers, 47 rapists, and 46 assaulters were investigated and compared. The groups were comprised of men referred to and tested by the Hennepin County Court Services, located in Minneapolis. The most disturbed group, the rapists, had MMPI *K*-corrected mean raw scale scores that were significantly greater than those of the exposer group on *F*, *Hs*, *D*, *Hy*, *Pd*, *Pa*, and *Sc* and greater than those of the assaulter group on *Pd*, *Pt*, and *Sc*. There were no significant differences between the mean raw scale scores for the exposer and assaulter groups. Two-point codes were tabulated for each group, and the percentages of individuals within each group with the same two-point codes were calculated. All the subjects in each of the three groups were sorted into subgroups according to case disposition, and the MMPI raw mean scale scores were determined for these groups. The scores of individuals either incarcerated or put on probation were compared within each of the three groups.

93. Ruff, Carol F., Donald I. Templer, and Joyce L. Ayers. The Intelligence of Rapists. *Archives of Sexual Behavior*, v. 5, no. 4, 1976. p. 327–329.

Research was conducted to determine the intelligence of rapists in comparison to that of other convicted felons. IQs of rapists were compared to IQs of non-rapist prisoners convicted of violent crimes and non-rapist prisoners convicted of nonviolent crimes. Subjects were 136 male convicted felons in the Kentucky State Penitentiary. Determination of violent versus nonviolent crimes other than rape was made upon consultation with a Kentucky Commonwealth Attorney. The results revealed significantly lower IQs for rapists compared to non-rapists convicted of violent crimes and compared to heterogeneous non-rapists convicts. The present research supports the findings of other studies indicating a general tendency for rapists to have lower IQs than other convicted prisoners.

94. Sadoff, Robert L. Treatment of Violent Sex Offenders. *International Journal of Offender Therapy and Comparative Criminology*, v. 19, 1975. p. 75–80.

Violent sex offenders are defined as aggressive or assaultive rapists, pedophiles, lust murderers and homosexuals. This article is concerned with treatment programs for these types of offenders. The available forms of treatment are individual psychotherapy, group psychotherapy, and behavior therapy. Labeling a sex offender a "sexual psychopath" is not always useful and, indeed, many sexual psychopath statutes are coming under criticism. It is necessary to deal with the difficulties of the offender on an individual basis. Prediction of dangerousness is another difficulty encountered in treatment of sex offenders. Including a female cotherapist in group psychotherapy for male sex offenders seems to have positive effects. The author concludes that psychotherapy generally has not been significantly successful with violent sex offenders but other forms of management have been successful in reducing recidivism.

95. Sidley, Nathan T. and Francis J. Stolarz. A Proposed "Dangerous Sex Offender" Law. *American Journal of Psychiatry*, v. 130, no. 7, July, 1973. p. 765–768.

Sex offender laws designed to protect the public from dangerous individu-

als have been criticized for their subjectivity in that they function to deal with specific cases and often are enacted under pressure after a public outcry following a particularly heinous sex crime. Because of the extreme difficulty in predicting future dangerousness of offending individuals and heavy public criticism when predictions are proven to have been wrong, the tendency is to use preventive detention when in doubt. This can mean erroneous and unfair incarceration of persons who would in fact not commit a subsequent sex offense. The authors of this article propose legislation that would ensure against abuse of the laws by strictly defining the criteria of the dangerous sex offender in terms of predictability, requiring proof of dangerousness, and putting time limits on commitments. They feel that implementation of this kind of law would restrict those incarcerated to the truly dangerous sex offenders and would avoid overinclusive commitments.

96. Sullivan, Peter. Commitment of Sexual Psychopaths and the Requirements of Procedural Due Process. *Fordham Law Review*, v. 44, April, 1976. p. 923–949.

The author of this article states that procedures for the determination of sexual psychopathy in the United States have been inconsistently applied because of the clash between two competing forces: societal interest and individual liberty. He analyzes various existing models of sexual psychopath laws in light of due process protections afforded the defendant. He finds that they can be classified in three groups: (1) Alternative Sentence Commitment, where psychopathy is considered during sentencing and offers dispositional alternatives to the judge; (2) Special Proceeding Commitment, where psychopathy must be proven much like a crime and leads to special sanctions; and (3) Miscellaneous, including the treatment of psychopaths in a mental commitment procedure or not considering psychopathy at all. The author concludes that none of the three different types of psychopathy laws provides complete or constitutionally adequate due process protection for sex offenders.

IV. INVESTIGATION OF RAPE: POLICE PROCEDURES AND CRIMINALISTICS

97. Albi, Frank J. Prosecutor-Based Investigation: An Alternative Model for the Specialized Handling of Rape Cases. *Journal of Police Science and Administration*, v. 5, no. 2, June, 1977. p. 129–137.

The importance of sophisticated techniques for handling and investigating rape cases is underscored by the complex nature of the crime. Some of the complicating factors associated with rape are the types of evidence required for proving a rape charge, special treatment the rape victim often needs, and general social and official attitudes which can inhibit reporting of the crime and prevent successful conviction of offenders. New approaches, emanating from research into the problem of rape, have been implemented in some jurisdictions and dramatically improved the effectiveness of the criminal justice system's response to rape. However, although rape is a high-priority crime, it is also a low-volume crime. Because of economic and demographic constraints, installing sophisticated and specialized rape investigative units is beyond the means of all but the largest law enforcement agencies. Ninety-seven percent of the nation's law enforcement agencies do not receive a sufficient number of rape reports to justify the organization of a special rape investigation unit, yet the crime requires specialized attention. An alternative to special units in each police department would be to use specialized investigators at the local prosecutorial level. Prosecutor-based investigators would be specialized and have full law enforcement authority. Some of the benefits of this scheme would be: specialized investigators available to police agencies which could not otherwise afford them; improved and more standardized treatment of victims; uniform preparation of cases for prosecution; improved police-prosecutor liaison; possibility of team development of cases between investigators and prosecuting attorneys; reduced professional resentment between large and small police departments; improvement in the collection of evidence due to centralization of rape investigations; and the general, broad adaptability of the scheme to other types of high-priority but low-frequency crimes.

98. Bard, Morton and Katherine Ellison. Crisis Intervention and Investigation of Forcible Rape. *Police Chief*, v. 41, no. 5, May, 1974. p. 68–74.

The purpose of this article is to put the crime of forcible rape in the context of crisis theory and explain how crisis intervention techniques can be used by police personnel to aid victims while increasing the chances of successful prosecution of cases through enhanced victim cooperation. After a short explanation of the background of crisis theory, the authors define crisis as a reaction to a stressful experience and discuss some of the important characteristics of stressful situations and resulting crisis reactions. Following a presentation of the characteristics of successful intervention activities, the authors define rape in the context of crimes against persons where intrusion and violation of self are experienced. A case his-

tory involving an 11-year-old victim is presented, showing how the case was actually handled and how it might have been handled more appropriately with the use of crisis intervention techniques. The final section of the article contains a set of guidelines for investigators that incorporate crisis intervention techniques.

99. Baxter, S. J. and B. Rees. The Identification of Saliva in Stains in Forensic Casework. *Medicine, Science and the Law*, v. 15, no. 1, 1975. p. 37–41.

The author of this article addresses the problems of localizing and identifying saliva stains. As a consequence of these problems, the method mainly relied upon is detection of amylase activity of saliva by starch hydrolysis in conjunction with microscopy for buccal epithelial cells. The authors report on work on identifying saliva stains carried out at a British forensic science laboratory. Two methods are discussed: detection by unhydrolyzed starch and detection of products of starch hydrolysis. They conclude from the results of experiments that the former method is inadequate for detecting saliva in mixed body fluid stains whereas the latter method is quite sensitive and reliable for establishing the presence of salivary amylase in saliva stains and mixed body fluid stains.

100. Galton, Eric R. Police Processing of Rape Complaints: A Case Study. *American Journal of Criminal Law*, v. 4, no. 1, Winter, 1975–1976. p. 15–30.

Rape legislation reform, while a significant step in the right direction, does not attack the basic problem of processing and prosecuting rape complaints. The first and critical step of a rape complaint takes place at the police level, where a victim's story is evaluated. The ultimate disposition of the complaint is frequently determined by arbitrary decisions made by a police officer. An analysis of the case files of a large metropolitan police department in Texas, from August, 1974, to August, 1975, combined with interviews revealed arbitrary and subjective handling of rape complaints. The research led to two conclusions: (1) police investigators hold rape complainants to a higher standard of conduct than the law requires and, in fact, act as rule makers in determining what constitutes rape; and (2) rape investigation procedures are often inefficient and dysfunctional and are in need of reform. The establishment of "sex squads" by the complete overhaul of existing police structures for the handling of rape would not necessarily eliminate these problems; existing police units could be modified to have the same effect as a specialized rape squad. Such modifications should include: enhancement of intradepartmental communications regarding current investigations; development of more advanced and useful record keeping systems; closer supervision of investigators; the development of ties with community agencies; and special training for rape investigators.

101. Given, B. W. Sex-Chromatin Bodies in Penile Washings as an Indicator of Recent Coitus. *Journal of Forensic Sciences*, v. 21, no. 2, April, 1976. p. 381–386.

The author notes that with the burgeoning of the crime of rape the amount of literature on analysis and evaluation of medicolegal rape evidence has also increased. However, in this literature, little attention has been given to evidence of recent sexual activity on the part of the rape suspect. This article presents a procedure for the possible determination of recent coitus

in a man suspected of rape. Penile washings from seven male volunteers were examined for possible presence of vaginal cells. The laboratory apparatuses necessary for collecting and analyzing these specimens are shown and the procedure explained. Five main areas of investigation are discussed: (1) the source of cells found in the specimens; (2) the sex of the cell donor; (3) the duration of evidence; (4) cell class characteristics; and (5) the limitations of the technique for application to rape cases.

102. Heller, Joan C. and John R. Graham. The Trauma of Rape: A Training Program for Effective Investigation. *Police Chief*, v. 43, no. 9, September, 1976. p. 52–53.

The authors organized a seminar for law enforcement officers who deal with rape cases to retrain them not only to be effective investigators but to be sensitive to the crisis needs of the rape victim and her family. Drawing from their experience in organizing this seminar, they developed several guidelines on how such seminars might best be conducted. These include: giving adequate advance notice of the seminar so departments have sufficient time to respond and schedule officers' attendance; involving uniform patrol officers, in particular; using a team approach to include a sworn police officer with a social worker for more credibility and to help attendees identify better with session leaders; using audio-visual material with shock value to capture attention; and allowing officers to attend on a volunteer basis to provide a greater degree of enthusiasm and interest.

103. Keefe, Mary L. and Henry T. O'Reilly. The Police and the Rape Victim in New York. *Victimology: An International Journal*, v. 1, no. 2, Summer, 1976. p. 272–283.

In response to the large increase in number of reported rapes and the special needs of victims, the all female Sex Crimes Analysis Unit of the New York City Police Department was created in 1972. The authors describe the types of difficulties and unpleasantness rape victims had previously faced if they decided to report the crime, which caused them to regret having reported and often resulted in their dropping out of the system. Case histories are used to illustrate the types of humiliating and embarrassing treatment rape victims received from police, medical and legal personnel. The new Sex Crimes Analysis Unit made major efforts in two areas: (1) a public information campaign to increase public awareness of the scope of the problems of sex crime victimization and to make women aware of services available to victims and (2) a comprehensive training program designed to instill proper attitudes in professional persons who deal with sex crimes victims and to teach specialized investigative skills to police personnel. The authors illustrate how public confidence in the Unit has increased. The benefits of new training programs and the New York City Mayor's Task Force on Rape are discussed. An appendix to the article lists the elements of the Sex Crimes Analysis Unit's training program.

104. Pereira, Margaret and P. D. Martin. Problems Involved in the Grouping of Saliva, Semen and Other Body Fluids. *Journal of the Forensic Science Society*, v. 16, no. 2, April, 1976. p. 151–154.

This article presents a discussion of the use of the absorption-elution method for grouping water soluble ABH antigens in body fluids and the possibility of obtaining erroneous results by both absorption-elution and

absorption-inhibition. The authors recommend the use of both methods in parallel on a semi-quantitative basis. The use of Lewis typing, particularly for confirmation of nonsecretory reactions, is also described.

105. **Police Discretion and the Judgment that a Crime Has Been Committed—Rape in Philadelphia.** ***University of Pennsylvania Law Review*****, v. 117, no. 2, December, 1968. p. 277–322.**

Since rape presents to the police the greatest opportunity to exercise discretion in deciding that a crime has been committed and what information will be collected, it was chosen for this study. Philadelphia police reports of rape in 1966 and 1967 were analyzed to determine whether the criteria considered by the police in founding or unfounding an alleged rape case are the same as those that a jury, the ultimate fact-finder, would consider in determining that the crime did occur. The accent of the study is on the credibility of the victim. The variables considered in the police founding decision were: promptness of complaint, physical condition of the complainant, behavior of the complainant before the offense, actions of both complainant and offender during the offense, the complainant's reputation for chasity, age and race of the participants, and miscellaneous other variables. The conclusions drawn were that the police response to certain variables in their founding decisions in rape cases were in line with guidelines established by the courts in determining the credibility of the complainant. The results also showed that when the police consulted with the prosecutor before deciding on a case, the investigators were much harsher on the complainant. Some special investigative techniques of the police are discussed followed by recommendations on what sort of criteria should be used to screen cases during the investigatory process.

106. **Putnam, Jerry D. and Denamae Fox. A Program to Help the Victims of Crime.** ***Police Chief*****, v. 43, no. 3, March, 1976. p. 36, 38.**

This article describes a program in the Aurora (Colorado) Police Department involving women volunteers to assist police officers in handling victims of sexual assault as well as elderly victims and victims of simple assault. While the police officer executes the necessary procedural and investigative duties, the volunteer works as a partner to help the victim manage his or her emotional reactions to the crime and to act as the victim's advocate through criminal justice and medical proceedings. A typical case is described to illustrate the kinds of assistance to the victim and to the police officer that the volunteer can provide.

107. **Rupp, Joseph C. Sperm Survival and Prostatic Acid Phosphatase Activity in Victims of Sexual Assault.** ***Journal of Forensic Sciences*****, v. 14, no. 2, April, 1969. p. 177–183.**

The author describes methods used in checking for the presence of sperm and seminal fluid in sexual assault cases. In a series of 84 cases it was found that there was an equal chance of finding motile or nonmotile sperm in vaginal aspirates within 8 hours of the assault. Nonmotile sperm were found for periods up to 14 hours. Positive prostatic acid phosphatase reactions were found for periods in excess of 24 hours. Samples of vaginal fluid kept under nonsterile conditions retained enzymatic activity and well preserved sperm for prolonged periods of time.

108. **Schiff, Arthur Frederick. Modification of the Berg Acid Phosphatase Test.** ***Journal of Forensic Sciences,*** **v. 14, no. 4, 1969. p. 538–544.**

A brief review of the history of the development of the acid phosphatase test for seminal fluid is presented in this article. It is pointed out that because conditions can exist where human ejaculate contains no spermatozoa, means for identifying seminal fluid were sought. The significant characteristic properties of seminal fluid which lend themselves to this kind of testing are discussed. The author also describes a slightly altered method of the Berg acid phosphatase test. References are included.

109. **Still, Agnes. Police Enquiries in Sexual Offences.** ***Journal of the Forensic Science Society,*** **v. 15, 1975. p. 183–188.**

This British article illustrates with six case histories the importance to the police of forensic science in the successful investigation and prosecution of sexual offenses. It is shown that in addition to tests for sperm and seminal fluid, analyses of hair and fiber samples are often used successfully in linking a suspect with the crime.

110. **Stratton, John. Law Enforcement's Participation in Crisis Counseling for Rape Victims.** ***Police Chief,*** **v. 43, no. 3, March 1976. p. 46–49.**

Since law enforcement officers are generally the most immediately available persons on a 24-hour basis to provide help for citizens in crisis, including rape victims, training in crisis intervention expands the officer's ability to be of assistance in the community. The author explains crisis theory and the various reactions rape victims exhibit after their traumatic experience. He points out that training in crisis intervention is not designed to make police officers professional counselors but rather to enhance their potential for being facilitative and helpful at a crucial time. Based on crisis theory and victim needs, practical suggestions for the officer/counselor are given on how to deal effectively and sympathetically with rape victims.

111. **U. S. Department of Justice. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice.** ***Forcible Rape: A National Survey of the Response by Police.*** **Police Volume I. By Battelle Human Affairs Research Centers, Seattle, Washington. Washington, D. C., Government Printing Office, 1977. 103 p.**

This report presents the findings of a research project which aimes at assembling, describing and assessing current law enforcement practices in response to the crime of rape. Questionnaires were sent to 208 randomly selected police agencies, stratified into 6 groups according to size of agency or size of population served, and including some university police agencies. Respondents were asked to provide information about their agencies' general policies, practices and outcomes in nine areas: (1) classification of rape reports; (2) typological factors frequently associated with rape in that jurisdication; (3) processing criteria; (4) procedures in taking crime reports; (5) victim services; (6) investigative strategies; (7) relationship with local prosecutive agency; (8) police training methods for handling rape cases; and (9) innovative activities. The data collected in the survey are presented in tables throughout the report with explanatory narratives. The appendices include a copy of the questionnaire sent to the police agencies, samples of contact and follow-up letters to the police

agencies from the researchers, and a list of the police agencies that took part in the survey.

In addition to the National Survey report described above, three other project documents dealing with police operations in rape cases are currently in process of publication. They should be issued by GPO in the spring or early summer of 1978 and are entitled:

- *Forcible Rape: A Manual for Patrol Officers*, Police Volume II;
- *Forcible Rape: A Manual for Sex Crimes Investigators*, Police Volume III; and
- *Forcible Rape: Police Administrative and Policy Issues*, Police Volume IV.

112. **Walther, Gotfried. Acid Phosphatase: Its Significance in the Determination of Human Seminal Traces.** ***Journal of Forensic Medicine,*** **v. 18, no. 1, January-March, 1971. p. 15–17.**

The usefulness of testing for acid phosphatase from seminal fluid by medical examiners in criminal cases, including rape, is pointed out by the author. He describes quantitatively the methods involved in testing for acid phosphatase and discusses the qualitative reaction obtained in the test. The results of the test can be used as evidence to support the presence of human seminal fluid.

V. LEGAL ISSUES AND LEGISLATIVE REFORM

113. **Bailey, F. Lee and Henry B. Rothblatt. *Crimes of Violence-Rape and Other Sex Crimes*. Rochester, New York, Lawyers Cooperative, 1973. 385 p. (1976 Supplement, 90 p.)**

A comprehensive guide for criminal defense attorneys defending persons charged with sexual offenses, this volume provides, in a step-by-step format, information and advice on defense responsibilities and tactics from arrest through trial. Chapters 1 through 17 cover attorney-client matters and pre-trial concerns, including fees, surrendering the client, arraignment, bail, investigation, witnesses, pretrial motions, plea bargaining and grand juries. Chapter 18 through 24 are concerned with court processes. Recommendations are made on possible defense strategies in jury selection, cross-examination, handling expert witnesses, insanity defense, and summation. Each chapter in the final section of the book deals with a specific sex offense. The offenses included are rape, prostitution and related offenses, incest, obscenity, sodomy and homosexuality. The definition and salient elements of the offense are discussed and the authors comment on the usual practices and procedures in such cases as well as suggest defense tactics that might be used. The last chapter briefly discusses sexual psychopath legislation as it is found in various jurisdictions in the United States and the legal problems associated with such laws. A cumulative supplement is attached, updating some sections of certain chapters.

114. **Bedau, Hugo Adam. Felony, Murder, Rape and the Mandatory Death Penalty: A study in Discretionary Justice. *Suffolk University Law Review*, v. 10, no. 3, Spring, 1976. p. 493–520.**

This article reports a study to test the effect of Massachusetts' mandatory death penalty established in 1951 for murders that were accompanied by rape or attempted rape. An analysis was made of all first-degree murder indictments of males for killing females in Suffolk and Middlesex counties from 1946 to 1970. Of the 128 murder indictments, in 17 cases there seemed to be significant evidence of rape or attempted rape, but in these cases dispositions other than conviction for first-degree murder in the course of committing rape or attempted rape and sentences other than death were found. The author concludes that although the mandatory death penalty statute is supposed to eliminate possible discretion by judges and juries, in fact, this study shows that the court has found ways to use its administrative discretion to thwart the intent of the statute. He opines that administrative discretion, operating freely during and even prior to a trial on a capital charge, will not survive constitutional challenge.

115. **Berger, Vivian. Man's Trial, Woman's Tribulation: Rape Cases in the Courtroom. *Columbia Law Review*, v. 77, no. 1, January, 1977. p. 1–103.**

After reviewing the current status of rape, in terms of public awareness and official concern, as well as the peculiar features of rape that set it apart

from other offenses, the author of this article focuses on the element of rape law which has been the central target of reform efforts: the admissibility of evidence regarding the rape complainant's past sexual history. The traditional basis for admitting such evidence into rape trials has been to prove the likelihood of consent and to impeach the complainant's character for truthfulness. The author describes the current attacks that are being launched against the assumptions underlying this rule of evidence and against the operation of the rule in trial. The response of some state legislatures has been to enact "rape shield" laws which prohibit or limit the admissibility of evidence pertaining to a rape complainant's sexual history. These statutes can be classified on a spectrum of restrictive to permissive. The author addresses the question of whether the victim has any constitutional right against indiscriminate use of her personal behavior as evidence in a rape trial. She attempts to develop possible claims a victim might have to protection of her personal history based on the right to privacy and equal protection. Then the rights of the accused are discussed in view of possible curtailment of his rights resulting from the new rape shield laws. The issue is addressed in terms of how much relevancy the victim's past sexual history has to the defendant's right to confront his accuser and to present a defense with the best available evidence. The author then examines the general virtues and liabilities of inflexible legislative rules on evidence versus wholly untrammeled judicial discretion with a view to developing acceptable procedures for determining the admissibility of evidence of the victim's past sexual history. The author also discusses three possible substitute or additional means of defending the victim's interest at trial: (1) private counsel for the victim; (2) closed trials; and (3) new kinds of cautionary instructions tailored to rape proceedings. In conclusion, a model rape shield law is presented. An appendix to the article shows the procedural provisions of rape shield statutes as they exist in certain states.

116. Bohmer, Carol. Judicial Attitudes Toward Rape Victims. *Judicature,* v. 57, no. 7, February, 1974. p. 303–307.

Reprinted in Chappell, Duncan, Robley Geis and Gilbert Geis, Eds. *Forcible Rape: The Crime, the Victim and the Offender.* New York, Columbia University Press, 1977.

Interviews with 38 Philadelphia judges in 1971 revealed that, generally, their central orientation in trying rape cases was the credibility of the victim. The judges appeared to categorize rape cases into three basic types, according to the degree of credibility of the victim: (1) the "genuine victim," typically of a stranger-to-stranger rape, where there is no question of consent; (2) the "asking-for-it victim," who typically meets the man in a bar; and (3) the "vindictive victim," who fabricates the whole event to get at or even with a man. Circumstantial factors, such as the speed with which the victim files the complaint, her reasons, and the amount of cooperation she gives the authorities, are heavily weighed by judges in their evaluations. The judges revealed a high level of concern for child victims and apparently made efforts to lessen the frightening aspect of court appearances for children. Some racial bias in attitudes towards victims was detected in several of the judges, while others indicated sensitivity to black rape victims. The attitudes revealed by this study indicate that judges are not as

objective as might be supposed and further inquiry should be made about judicial attitudes and their effects on courtroom proceedings.

117. **Cobb, Kenneth A. and Nancy R. Schauer. Michigan's Criminal Assault Law. *University of Michigan Journal of Law Reform*, v. 8, no. 1, Fall, 1974. p. 217-236.**

Reprinted in Duncan Chappell, Robley Geis and Gilbert Geis, Eds. *Forcible Rape: The Crime, the Victim and the Offender.* New York, Columbia University Press, 1977.

A summary of Michigan's Criminal Sexual Conduct Act, passed in 1974, is presented in this article. The authors analyze specific provisions of the Act and discuss the policies behind the evidentiary changes. The law delineates four degrees of criminal sexual assault, two involving penetration and two involving nonpenetrating contact. The statute further separates penetration and nonpenetrating sexual contact into higher and lower offenses, depending on whether certain aggravating circumstances are present. This degree structure offers the court objective guidelines for matching the crime with the offensiveness of the actor's conduct and the penalties with the gravity of the offense. The evidentiary provisions of the Act do not require the victim's testimony to be corroborated or that the victim prove resistance to the assault. The use of the victim's past sexual conduct to prove consent is also severely limited. The authors mention the misperceptions and invalid presumptions that had previously been the basis for judicial policies and statutory rules, which were changed by this statute. The statute is sex-neutral to include homosexual rape and allows a woman to charge her husband with sexual assault if they are living apart and one has filed for separate maintenance or divorce. Suppression of the names of the victim and the actor as well as details of the offense is allowed to some extent, a feature of the Act which may face serious challenge. The authors compare the Michigan statute with the Model Penal Code of 1962.

118. **Eisenberg, Robert L. Abolishing Cautionary Instructions in Sex Offense Cases: *People v. Rincon-Pineda. Criminal Law Bulletin*, v. 12, no. 1, January-February, 1976. p. 58-72.**

The centuries-old standard instruction to juries in rape cases—that rape is a charge easily made and difficult to disprove so the victim's testimony must be examined with caution—was declared no longer mandatory and, indeed, not to be given by trial judges in California by that state's Supreme Court in 1975. This article examines in detail the court's decision and comments. In the court's opinion, modern day due process of law makes this cautionary instruction superfluous. In addition, the court noted that empirical evidence shows that rape is not a charge easily made, considering the difficulties victims face in making the police believe them and the number of reported cases that are never prosecuted. In the court's opinion, the focus of a cautionary instruction should be on the evidence in a particular case rather than on the nature of the crime. The author contends that instead of diminishing the rights of the accused, as this ruling might appear to do, the Supreme Court's decision actually enhances the rights of the defendant by detailing instructions which must be given in a criminal case. In conclusion the author states that this decision, along with other recent statutory reforms, are substantial steps towards making the rape victim's

appearance in court more tolerable while in no way diminishing the rights of the accused.

119. Gless, Alan G. Nebraska's Corroboration Rule. *Nebraska Law Review, v.* 54, 1975. p. 93–110.

The author of this comment attempts to analyze and justify the Nebraska Supreme Court's retention of the corroboration rule in rape cases. He bases his defense of the corroboration rule on two principles. First, the state has the burden of proving a case beyond a reasonable doubt, but the notion of proof is imprecise. Corroboration, by placing a slightly higher burden on the state, injects more rationality and precision into the judicial process. Second, the rationale for the corroboration requirement is yet to be proven untrue and, therefore, there is no compelling reason to risk injustice by lowering the standard of proof. The author argues that rape cases raise special evidentiary problems because they are rarely witnessed by a third party and a case without corroboration reduces itself to the victim's after-the-fact report of her self-perceived attitude toward the act. Without a corroboration requirement, cases can become swearing contests between victim and defendant, leaving the judge and jury no rational way to resolve the conflict. The Nebraska experience with corroboration is described with reference to specific cases, in particular *State v. Fisher* which the author feels demonstrates that the rule serves its purpose well.

120. Harris, Lucy Reed. Towards a Consent Standard in the Law of Rape. *University of Chicago Law Review,* v. 43, no. 3, Spring, 1976. p. 613–645.

In the first section of this article, the author identifies the policies served by the criminalization of rape and notes the failure of the legal system to fulfill these policies. She suggests that at least part of this failure may be attributed to subsidiary legal rules which unnecessarily hinder the system in identifying and punishing rapists. The second section continues in this vein with a brief examination of current controversies over the formal definition of rape and over admission of certain evidence in rape trials, with a view toward drawing out the erroneous assumptions which have distorted traditional rules of criminal law and have thereby forced the working definition of rape away from the central element. It is also suggested that both the traditional and reform treatments of these controversies place too much emphasis on categorical solutions to complex problems. The author then examines the turn-of-the-century debate over the meaning of consent in cases of rape by subterfuge, arguing that neither that debate's assumption about female character not its treatment of rape as being immune from general principles of criminal law nor its resolution of the consent problems by convenient categorical rules should continue to influence the substance or tone of current thought about the meaning of consent in rape cases. Finally, the author examines and compares the treatment of consent issues in other areas of the law, concluding that both the formal and working definitions of nonconsent in rape should be brought more clearly in line with those in other areas of law.

121. Hibey, Richard A. The Trial of a Rape Case: An Advocate's Analysis of Corroboration, Consent, and Character. *American Criminal Law Review,* v. 2, no. 2. Winter, 1973. p. 309–334.

Reprinted in Schultz, LeRoy G., Ed. *Rape Victimology*. Springfield,

Illinois, Charles C. Thomas, 1975. p. 164–193.

The prosecution and defense of rape cases impose inordinate demands on the advocates' abilities to prepare and present evidence. Corroboration of the crime, victim's consent and character evidence are factors in a rape case which require special analysis by both the prosecutor and the defense attorney. However, proof in regard to these elements is not a reliable predictor of a case outcome because of the sometimes irrational assessment of evidence on the part of juries. In this article the author presents information on the prosecution's burden of proof and available tactics in relation to these three elements of evidence in rape trials and the tactics defense attorneys might use to thwart successful prosecution.

122. **If She Consented Once, She Consented Again—A Legal Fallacy in Forcible Rape Cases.** ***Valparaiso University Law Review,*** **v. 10, Fall, 1975. p. 127–167.**

The relevance of the rape complainant's prior sexual behavior to issues of consent and credibility is the subject of this article. A review is given of the case law supporting the admissibility of evidence pertaining to the complainant's sexual morality. The relevancy of such evidence is then discussed. Attention is given to the illogical but prevalent belief, particularly among middle class Americans, that a woman who has had multiple sex partners in her life or extramarital sexual experience has the propensity to consent to sexual intercourse whenever the opportunity arises. Also prevalent is the belief that a woman who indulges in premarital or extramarital sex forfeits her credibility. Studies on the sexual behavior of women are cited which tend to show that women who consent to sexual intercourse usually have a limited number of sex partners and then only with those towards whom they feel a strong emotional attachment. There is no convincing authority that intimates that because a woman is sexually experienced she is more likely to be untruthful. Studies of jury attitudes are cited to show how information about a rape complainant's sexual history has a tendency to unduly inflame the jury's emotions and prejudice its members against the complainant. In addition, the confusion and delay that results from going into the prior sexual history of a complainant outweighs its probative value, particularly in view of the high probability that such evidence is irrelevant. By so trying the victim, the central focus is removed from the defendant's actions. Recent legislation in some states to limit the admissibility of a rape complainant's prior sexual history, except with the defendant, is a step in the right direction, but much of it is insufficient to overcome the inherent problems with such evidence.

123. **Legrand, Camille E. Rape and Rape Laws: Sexism in Society and Law.** ***California Law Review,*** **v. 61, no. 3, May, 1973. p. 919–941.**

Reprinted in Chappell, Duncan, Robley Geis and Gilbert Geis, Eds. ***Forcible Rape: The Crime, the Victim, and the Offender.*** **New York, Columbia University Press, 1977.**

This article suggests that rape laws and law enforcement do not effectively deter rape, that courts are overly solicitous to rapists, and that women's interests are thus unprotected. The author of this article contends that rape laws protect male interests and values and that police and prosecutorial resources are seldom directed towards bolstering the victim's story. Rather, many rape complaints which could be valid are dismissed as "unfounded."

The author points to characteristics of rape laws which reflect and reinforce societal myths regarding rapists and victims. Among the obstacles she points out to obtaining rape convictions are the corroboration requirement, the present legal standard used to measure consent, and the sentencing practices of the judiciary. The author concludes by suggesting reforms, including that chastity should no longer be considered probative in rape prosecutions, that authorities become more willing to proceed in cases where the victim and accused are known by each other, and that prison sentences for rapists be shorter so that juries will not be so unwilling to convict.

124. Luginbill, David. Repeal of the Corroboration Requirement: Will It Tip the Scales of Justice? *Drake Law Review*, v. 24, no. 3, 1975. p. 669–682.

In 1975, the Iowa legislature repealed the state's rape statute's corroboration requirement and established strict rules pertaining to the introduction of evidence regarding the victim's past sexual history. This article first generally examines these two rules of evidence in terms of their original purpose and justifications as well as their substance and prevalence. The author then turns to justify repeal of the corroboration requirement. He contends that the purpose of the rule is adequately served by ordinary safeguards to the defendant's rights in our criminal law: the jury system, which empirical evidence shows operates much more strongly in the defendant's favor than the victim's in rape trials; the power of the trial judge to set aside or direct a verdict on the grounds of insufficient evidence; and, at least under Iowa law, the defendant may be allowed, after a closed hearing, to admit evidence of the complainant's previous sexual conduct to impeach her character. In balance, the author concludes, retention of the corroboration requirement goes far beyond its original purpose of protecting falsely accused persons and gives the accused a special advantage not enjoyed by other types of criminal defendants and often hinders the prosecution's attempt to establish its case.

125. Maloney, Sharon. Rape in Illinois: A Denial of Equal Protection. *John Marshall Journal of Practice and Procedure*, v. 8, Spring, 1975. p. 457–496.

In Illinois' Revised Statutes of 1973, forcible intercourse, if vaginal, falls under the rape statute which applies to women only, but, if the forced intercourse is oral or anal, it comes under the deviate sexual assault statute which applies to both men and women. In rape cases, the state must prove the use of force and the lack of consent, whereas in deviate sexual assault cases only force must be proven. Furthermore, in deviate sexual assault cases, evidence of poor reputation for veracity is accepted as the means of impeaching the male or female complainant, whereas in rape cases, because of the need to prove consent in addition to force, the female complainant's testimony is subjected to a special impeaching process based on evidence as to her reputation for unchastity which, in these cases, is taken to establish the probability of her having consented as well as being an indication that she is not truthful. The background and development of the two statutes and the evidentiary elements and rules associated with them are examined. The author contends that the distinction between rape and deviate sexual assault has fostered presumptions and rules of evidence which treat women in cases of rape inconsistently with treatment of men and women in deviate

sexual assault cases and, thus, as a denial of equal protection as provided by the Illinois Constitution.

126. The Rape Corroboration Requirement: Repeal Not Reform. *Yale Law Journal*, v. 81, no. 7, June, 1972. p. 1365–1391.

This article puts forth arguments on why the corroboration rule should be abolished to refute the claim that a rape charge is so different from other criminal charges that it warrants a special rule of evidence. In summarizing the history of the corroboration requirement, it is pointed out that such a requirement did not exist in the common law. Empirical evidence is cited to show that in those states where a corroboration requirement has been strictly enforced, there has been a comparatively low conviction rate for rape. The author mentions three commonly posited justifications for the corroboration requirement and then attempts to refute them. The first is that false rape allegations are frequent. To refute this, the author points to the difficulties and unpleasantness that rape victims suffer in reporting and prosecuting rape cases, which constitute a strong disincentive to bring false charges. Fantasy-based or false charges have a good chance of being screened out at the investigation level. Another common justification for corroboration is that emotion is so high in rape cases that juries are inclined to want to convict. The author says that, to the contrary, the evidence suggests that juries are most reluctant to convict accused rapists. A third justification is that rape is a difficult charge to defend against, but, again, the author points out that jury studies and other empirical evidence show that defending against an uncorroborated rape accusation is much less difficult than prosecuting one successfully. In the opinion of the author, replacing the corroboration rule with an alternative, such as psychiatric examination of the victim, is equally unjustified in the absence of an independent reason for treating rape accusations distinctively. Limiting the application of the corroboration rule to a rape accusation by a child is less desirable than a thorough evaluation of the child's credibility. The author concludes that if the traditional safeguards against false convictions are not properly functioning, the solution lies in reform of criminal procedures as a whole, not in a special rule for cases involving rape.

127. Recent Statutory Developments in the Definition of Forcible Rape. *Virginia Law Review*, v. 61, no. 7, November, 1975. p. 1500–1543.

The author's premise in this article is that the criminal law's very definitions of conduct constituting forcible rape are one of the major sources of difficulty in making the law work against the increase in incidence of the crime and the low conviction rates of defendants. This article analyzes the progress currently being made to revise four problematic aspects of rape definition: (1) the relation between the actor's and victim's conduct; (2) the gradation of forcible rape into degrees; (3) the need for corroboration; and (4) the requirement of *mens rea*. Each of these problems is discussed through the perspective of four major models currently existing in the area of rape law: (1) the common law "carnal knowledge" statute; (2) the American Law Institute's Model Penal Code Draft of 1962; (3) the New York Penal Law of 1975; and (4) the Sexual Conduct Statute enacted in Michigan in 1974. The author suggests that statutory definitions of rape are inevitably becoming more consistent with society's changing attitudes towards the offense.

128. Sasko, Helene and Deborah Sesek. Rape Reform Legislation: Is it the Solution? *Cleveland State Law Review*, v. 24, no. 3, 1975. p. 463–503.

Focusing on the reforms enacted by amendments to the Ohio rape statute in 1974, considered to be representative of the major areas of concern to proponents of rape reform legislation throughout the United States, the authors present a comparative analysis of newly enacted reform legislation and rape law as it still exists in the majority of states. The issues discussed in this article are: (1) definition of spouse; (2) resistance; (3) prior sexual conduct of the victim; (4) corroboration; (5) sentencing; (6) publication of the rape victim's name or identity; and (7) payment for medical care of rape victims. The authors also identify the various interest groups in the United States which have created the major impetus for rape reform legislation. In conclusion, the authors briefly discuss some of the valid and invalid objections to enactment of rape reform laws.

129. Schwartz, Barry. The Effect in Philadelphia of Pennsylvania's Increased Penalties for Rape and Attempted Rape. *Journal of Criminal Law, Criminology and Police Science*, v. 59, no. 4, December, 1968. p. 509–515.

On April 3, 1966 (Palm Sunday), three men committed a series of particularly violent rapes in a West Philadelphia home. There was much public outcry and one month later the governor signed a bill radically increasing the penalty for rape in Pennsylvania. The author, using Philadelphia police statistics, compared the trend in rape and attempted rape for the several months following the imposition of the stricter penalty with trends over the previous 9 years to see if there was any indication of a deterrent effect of the new penalty. The conclusion was that increased publicity and penalties had no impact on the frequency or intensity of rapes or attempted rapes.

130. U. S. Department of Justice. Law Enforcement Assistance Administration. National Institute of Law Enforcement and Criminal Justice. *Forcible Rape: A National Survey of the Response by Prosecutors*. Prosecutors' Volume I. By Battelle Human Affairs Research Centers, Seattle, Washington. Washington, D.C., Government Printing Office, 1977. 78 p.

A survey of 150 prosecuting agencies was undertaken as part of a research project aimed at assembling, describing and assessing current law enforcement practices in response to the crime of rape. The agencies were randomly selected and stratified according to the size of the population they served. Respondents were asked to provide information regarding their agencies' general policies and specific practices in eight areas: (1) classification methods; (2) factors surrounding rape in that jurisdiction; (3) factors in decision making; (4) staffing and procedures; (5) interactions with victims and witnesses; (6) victim services; (7) adjudicatory processes; and (8) innovative activities. The results of the survey are contained in tables throughout this report along with explanatory narratives. The appendices include a copy of the questionnaire sent to the prosecuting agencies and a list of the agencies that responded. In addition to the National Survey report described above, three other project documents dealing with rape prosecution and legal issues are currently in process of publication. They should be issued by GPO in the spring or early summer of 1978 and are entitled:

- *Forcible Rape: A Manual for Filing and Trial Deputies*, Prosecutors' Volume II;
- *Forcible Rape: Prosecutor Administrative and Policy Issues*, Prosecutors' Volume III; and
- *Forcible Rape: An Analysis of Legal Issues*.

131. Wesolowski, James J. Indicia of Consent? A Proposal for Change to the Common Law Rule Admitting Evidence of a Rape Victim's Character for Chastity. *Loyola University Law Journal*, v. 7, no. 1, Winter, 1976. p. 118–140.

The history and development of the rule admitting evidence of a rape complainant's prior sexual experience to rape cases is examined from the time of Lord Hale to the present. The probative value of such evidence is weighed against its prejudicial and inflammatory effects on the jury and the author finds it wanting, ever taking into consideration needs for protecting the constitutional rights of the accused. The author reviews the recent California and Michigan rape law reforms and describes two bills before the Illinois legislature in regard to provisions relating to the complainant's previous sexual history. He concludes that the rule of evidence pertaining to a rape victim's character (chastity) is based on societal conditions and assumptions no longer relevant to modern society and, thus, must be reexamined.

132. White, Welsh S. Disproportionality and the Death Penalty: Death as a Punishment for Rape. *University of Pittsburgh Law Review*, v. 38, no. 2, Winter, 1976. p. 145–184.

The first part of this article traces the challenges to the death penalty since 1963 and the Supreme Court's response which shows a progressive concern over whether the death penalty is a proportionate sanction where the victim of a crime has not been deprived of life. The concern is based on the eighth amendment prohibition of cruel and unusual punishment. The author contends that the doctrine of proportionality may be usefully and appropriately used to hold that death is a constitutionally disproportionate punishment for all rapes not resulting in death of the victim. In the second section of the article, the theoretical underpinnings of the doctrine of proportionate punishment are examined. In the third section of the article, the author identifies various criteria to be used in determining whether a particular sentence is a constitutionally disproportionate punishment for a particular crime. These are: (1) judgments as to the seriousness of the crime in question; (2) comparison with penalties imposed for more serious offenses; (3) evaluation of the punishment's history; (4) analysis of the legislative trend; and (5) assessment of the extent to which juries actually apply the punishment. It is pointed out that although neither the Supreme Court nor any lower court has suggested a formula for weighing and applying these criteria, the ultimate objective would seem to be to measure the degree of societal acceptance of the punishment in question in order to assess whether it is constitutionally excessive. In the last part of the article, these criteria are applied to the situation where death is imposed as a punishment for rape. On any rational scale of seriousness, according to the author, rape appears to rank distinctly less serious than murder and no more serious than a number of other serious felonies. The fact that in six southern states and Oklahoma the death penalty is imposed for certain rapes while not for equally if not more serious murders suggests to the author that those seven

state legislatures responded irrationally. However, the clear legislative trend in the United States is towards abolition of the death penalty for rape. In those states where rape is a capital crime, statistics show that in recent history the actual imposition of the death penalty for rape is extremely rare. However, an examination of the cases in these southern jurisdictions where the death penalty has been imposed reveals that it has been primarily reserved for offenses involving black rapists and white victims. In conclusion, the author states that whether death is a constitutionally disproportionate punishment for rape ultimately turns upon the views of contemporary society. Since society seems to be repudiating the death penalty for rape, the author suggests that the Supreme Court should hold that death is a disproportionate punishment for rape.

133. **Wolfgang, Marvin E. and Marc Riedel. Rape, Race, and the Death Penalty in Georgia.** ***American Journal of Orthopsychiatry,*** **v. 45, no. 4, July, 1975. p. 658–668.**

Following the 1972 U. S. Supreme Court decision on capital punishment in *Furman v. Georgia,* the Georgia legislature enacted a death penalty statute that attempts to avoid constitutional objections by establishing discretionary standards for judge and jury sentencing. The statute specifies that the death penalty may be imposed by the trial judge or jury only if the sentencer finds at least one aggravating circumstance. The authors of this article argue that since blacks were shown to be more likely to receive death sentences for rape convictions under the old discretionary statute in Georgia, the new statute, which also allows discretion, is open to abuse. They reanalyzed a sample of 361 rape cases in Georgia to determine what factors, other than race, may have been important in imposing the death penalty. The results showed that race, and not any of the other nonracial aggravating circumstances, seemed to be the prime factor in imposition of capital punishment. The authors conclude that in view of these findings, it is unlikely that the death penalty will be imposed with greater equity when substantial discretion remains in the revised statutes.

134. **Wood, Pamela Lakes. The Victim in a Forcible Rape Case: A Feminist View.** ***American Criminal Law Review,*** **v. 11, no. 2, Winter, 1973. p. 335–354.**

Reprinted in Schultz, LeRoy G., Ed. ***Rape Victimology.*** **Springfield, Illinois, Charles C. Thomas, 1975. p. 194–217.**

Despite the stringent proof requirements in rape cases, many people are still obsessed by fear that innocent men are often convicted of rape due to the malice of "sick" women, who either fabricate stories of rape or trap men in situations from which they can reasonably infer consent. The author contends that, quite to the contrary, it is more likely that guilty assailants escape due to the reluctance of victims to report the crime, police and district attorneys to prosecute, and jurors to convict. She examines the source of those fears of female treachery and points out the lack of foundation for them. Discussed are Wigmore's contention that men are often falsely accused of rape, theories of female masochism and victim-precipitation of rape, overemphasis on the victim's character, and the resistance requirement. The complainant's ordeal resulting from reporting the crime to the police, going through the investigatory process and the trial are

described. The author concludes that crisis centers and legislative reforms may alleviate current inequities towards the victim, but until the rape victim is no longer looked upon with suspicion and distrust, most rapists are likely to commit the crime with impunity.

VI. RAPE IN FOREIGN COUNTRIES AND CULTURES

135. **Barber, Ross. Judge and Jury Attitudes to Rape.** ***Australian and New Zealand Journal of Criminology*****, v. 7, no. 3, September, 1974. p. 157–172.**

The author undertook a study to explore attitudinal factors pertaining to judges and juries which could explain decision making in regard to the severity of the sentences imposed on rape defendants and guilt or innocent verdicts. The trial transcripts of all rape cases tried in Queensland, Australia, from 1957 to 1967 were examined. Correlations were sought between verdict and sentencing and such factors as intoxication of the defendant, use of force, injury done to the victim, relationship between victim and offender, past criminal record of the defendant, virginity of the victim, moral conduct of the victim, age of offender and age of victim, how the victim was left by the offender, number of offenders, the defendant's plea at trial, and the year of the crime. The author also compared severity of sentence to these factors, controlling for the religion of the judges. He also looked at correlations between characteristics of the victim and "not guilty" findings. He concludes that the only factors found to have any apparent affect on both judges and juries were the moral behavior of the female concerned in the case and, if single, her chastity.

136. **Chappell, Duncan. Cross-Cultural Research on Forcible Rape.** ***International Journal of Criminology and Penology*****, v. 4, no. 3, August, 1976. p. 295–304.**

This article explores the relevancy and applicability of information gathered on rape in dissimilar societies to the amelioration of the problem of rape in any particular society. One major problem is establishing a definition of rape that can be applied in comparative studies. This problem exists even among jurisdictions in the same country. Examples of rape in primitive societies, taken from anthropological studies, are presented to illustrate the diversity of form it takes. Some of the hypotheses about the causes of rape, gleaned from these studies, are discussed. The article ends with suggestions on directions comparative researchers might take in studying rape cross-culturally.

137. **Cooper, H. H. A. The Law Relating to Sexual Offenses in Peru.** ***American Journal of Comparative Law*****, v. 21, Winter, 1973. p. 86–123.**

The unique geographic, demographic, historical and social characteristics of Peru are described in the first parts of this article as the background and setting for an analysis of Peruvian criminal law and procedures relating to sexual offenses. The law has been developed from an over-reliance on foreign experience and wholesale adoption of foreign ideas rather than from original search for legislation to suit specifically Peruvian problems. The law is largely the product of elitist scholarship or of the exigencies of

a ruling class incapable of seeing life in the terms of the bulk of the Peruvian population to whom these precepts of social control must apply. The law in action is vastly different from the law on the books. Corruption and privileges for the rich are rife in criminal procedures and militate against the interests of the poor and ill-educated. The importance of the criminal law dealing with sex offenses can be gauged against statistics that show that a large percentage of persons in prison are detained for sexual offenses. The Peruvian rape law has both similarities to and differences from American rape laws. The ordinary minimum sentence for rape is 2 years imprisonment unless aggravating circumstances or death of the victim are involved in which case the minimum sentence is higher. A forgiveness provision allowing indemnification of the victim and subsequent maintenance of resulting offspring shows the close relationship of civil and criminal issues under Peruvian law. Another part of this provision relieves the offender from punishment if he subsequently marries the victim with her consent. The law and administration of justice in Peru are characterized by serious problems which need scientific, multi-disciplinary study and reform.

138. Haines, E. L. The Character of the Rape Victim. *Chitty's Law Journal*, v. 23, no. 2, 1975. p. 57–59.

The defense tactic of trying to demean the rape victim by asking probing and impertinent questions about her private life can be protected against in Canadian law. In 1877, the Supreme Court of Canada laid down the principle that when asked about her sexual experience with men other than the accused, the rape complainant need not answer or, if she does, her answer cannot be contradicted. It is up to the discretion of the trial judge whether to advise the complainant of her right to refuse to answer such questions. This exercise of discretion to prevent the abuse of a rape victim may encounter the reluctance of some lower court judges, especially since they may have permitted defense counsel considerable license in the past. The problem could be overcome by having the Attorney General instruct the local Crown counsel to instruct victims on their rights and by allowing the victim counsel when testifying.

139. Levine, Robert A. Gusii Sex Offenses: A Study in Social Control. *American Anthropologist*, v. 61, no. 6, December, 1959. p. 965–990.

Reprinted in Chappell, Duncan, Robley Geis and Gilbert Geis, Eds. *Forcible Rape: The Crime, the Victim and the Offender*. New York, Columbia University Press, 1977.

Among the Gusii of southwestern Kenya, the high frequency of rape is a major social problem. In 1955 and 1956, court records showed an annual rate of rape indictments of 47 per 100,000 population. Insights to the prevalence of rape in Gusiiland can be obtained by examination of institutionalized forms of sex antagonism in Gusii society, traditional and contemporary limitations on premarital sexuality, the differing motivations of rapists, and the role of bridewealth rates in delaying marriage. Sexual frustration of Gusii young men, often resulting in sexual aggression, is due to effectively enforced restrictions on intraclan sexual activity, the sexual inhibitions and provocative behavior of Gusii girls, and high bridewealth rates which force postponement of marriage. If this analysis of the Gusii situation is valid, the following conditions might be prevailing in societies

with high frequencies of rape: (1) severe formal restrictions on the non-marital sexual relations of females; (2) moderately strong sexual inhibitions on the part of females; (3) economic or other barriers to marriage which prolong the bachelorhood of males; and (4) the absence of physical segregation of the sexes. The analysis presented in this study also has implications for the study of contemporary culture change and the breakdown of traditional controls of sexual behavior in many parts of the world.

140. Miyazawa, Koichi. Victimological Studies of Sexual Crimes in Japan. *Victimology: An International Journal*, v. 1, no. 1, Spring, 1976. p. 107–129.

Victimological studies were introduced in Japan only as recently as 1958. Japanese scholars have become very interested in such studies but their works, being in Japanese, rarely come to the attention of the outside world. The author of this article feels that Japanese sex crimes are particularly interesting because of the contradictions in Japanese society, manifested by the conflict apparent between modernization and retention of traditional ethics and norms. The author lists Japanese organizations and groups currently engaged in victimological studies and gives brief summaries of several sex crimes studies. In the conclusion, some of the problems of conducting empirical research on sex offenses in Japan are mentioned.

141. New South Wales. Bureau of Crime Statistics and Research. Statistical Report 21. *Rape Offences*. Sydney, Australia, December, 1974.

This report is based on all cases of rape reported to the New South Wales police during 1973 and accepted for investigation by the police. The data, collected from police and court records, were broken down into categories which included age and marital status of victims, number of offenders, types of injuries and weapons involved, relationship between victim and attacker, location of offense, geographic distribution of offenses, amount of time that elapsed before offenses were reported to police and the percentage of offenders apprehended in relation to elapsed time before reporting, number of convictions and length of sentence. The data revealed that the largest number of victims fell in the 16–20 age bracket (39%) and two-thirds of them were single. Two out of three attacks involved single offenders. Twenty-two of the 169 attacks resulted in serious bodily injury. In almost half of the cases reported, the offender was a non-stranger to the victim. One unexpected finding was that a greater percentage of offenders were apprehended in the cases which were reported after a time elapse of more than three-and-a-half hours than in cases which were reported more promptly to the police. Evidence supported the hypothesis that this was due to the fact that victims who took longer to report rape offenses were better acquainted with their attackers and in a greater state of conflict about whether to report the offenses. Suspects were apprehended in 117 out of the total 169 reported cases of rape. Of those, 59 terminated in convictions for rape or another offense. Ten cases were still undecided. All of the 32 offenders convicted for rape received prison sentences, most for 6 years or more.

142. Roy, K. K. Feelings and Attitudes of Raped Women of Bangladesh Towards Military Personnel of Pakistan. *In* Drapkin, Israel and Emilio Viano, Eds. *Victimology: A New Focus*. Volume V. *Exploiters and Ex-*

ploited: The Dynamics of Victimization. **Lexington, Massachusetts, Lexington Books, 1975. p. 65–72.**

The author travelled around Bangladesh after independence was won and collected data on the mass rapes of women by Pakistani troops under orders of top military leaders in East Pakistan as part of their strategy of terror and subjugation. Although the records showed that nearly 200,000 women were raped by Pakistani troops, the author was only able to contact 109 women willing to be interviewed. Information collected from these victims and others included victims' age ranges, religions and occupations, when the rape movement peaked, the method used by the troops to select victims, detainment of some of them at military barracks for sexual usage, types of resistance used by the women, the injuries and humiliation they sustained, post-rape pregnancies, abortions and infanticide, and the women's general attitudes and feelings about their experience.

143. Sallmann, Peter. Rape in Marriage in South Australia. ***Victimology: An International Journal,*** **v. 1, no. 4, Winter, 1976. p. 600–605.**

This note reports on the sexual offense law reform bill passed in the South Australian Parliament in 1976 which makes it possible for a husband living with his wife to be charged with raping her. The "rape-in-marriage" clause of the statute constitutes a break with common law and statutory tradition that does not allow rape to be charged against a husband by his wife. The author discusses the rationale for this traditional view of rape-in-marriage and summarizes the position and recommendations of the Criminal Law and Penal Methods Reform Committee of South Australia which examined the question in early 1976 and recommended such a provision only when the wife and husband were separated. He then summarizes the Attorney-General's view of the issue which favored not requiring that the husband and wife be living apart for the rape-in-marriage provision to apply. He briefly mentions what other groups in South Australia thought of the rape-in-marriage clause.

144. Schiff, Arthur Frederick. Rape in Foreign Countries. ***Medical Trial Technique Quarterly,*** **v. 20, Summer, 1973. p. 66–74.**

In 1971, the author visited Greece, Italy, Spain and Switzerland to investigate the nature and scope of rape in those countries. He found that crime statistics in Europe were difficult to obtain but from information he gathered from officials and other sources he was able to construct a general picture of rape in the four countries. Despite population growth, the number of rapes in these countries seems to have remained fairly constant. The author found that most officials tend to play down the idea that sexual assault posed a problem in the four countries. Although in these countries rape is universally considered a heinous crime, it appears that wherever possible, efforts are made to give the victim financial redress or to unite the victim and offender in matrimony in order to save the honor of the woman and her family. As in America, rape is a highly underreported crime. The initial report is usually made by the victim, or a guardian in the case of a minor, but in Greece a charge of rape may be lodged by authorities without the victim's consent. Victims are medically examined but the examiner is rarely subpoenaed to appear in court. As the judicial systems in European countries are different from the American adversarial system, rape trial procedures

are handled differently. Although rape is on the books as a capital offense in the four countries, the penalties for rape appear less severe than penalties meted out in the United States.

145. Schiff, Arthur Frederick. Rape in Other Countries. *Medicine, Science and the Law*, v. 11, no. 3, July, 1971. p. 139–143.

In 1970, the author visited officials in Belgium, France, Holland and Luxembourg to investigate how rape is handled in other jurisdictions in comparison with the United States. The per capita rape rate in the four European countries is far below the rate in the United States. Rape is a capital offense in the four countries but only France still applies capital punishment, although rarely. Rape complaints must be initiated by the victim, or by a relative in the case of minors. A medical examination of the victim is required but nowhere did the author find people specifically trained to examine rape victims. This, he concluded, might be due in part to the fact that in the non-adversarial European judicial system the medical witness is not subjected to harrowing cross-examination by a defense attorney. The author exchanged information with foreign medical examiners on tests for evidence of sexual intercourse. In general, the penalties for rape in the European countries are less severe than in the United States although these countries attempt to give more protection to their young people by making the penalties more harsh the younger the victim. All countries recognize statutory rape as it is known in America.

146. Scott, Jocelynne A. Fraud and Consent in Rape: Comprehension of the Nature and Character of the Act and its Moral Implications. *Criminal Law Quarterly*, v. 18, no. 3, May, 1976. p. 312–324.

This article reviews Canadian and British Commonwealth case law relating to misrepresentation of the nature and character of the act where sexual intercourse with a doctor is represented by him as medical treatment. The question is whether a woman is raped when she consents to sexual intercourse but does not know the nature and character of the act to which she is submitting. The majority of cases have involved adolescent girls, where incomprehension of sexual intercourse has made the issue of non-consent clear. However, the more difficult case is where a mature woman, fully understanding the nature of the act, submits to a doctor believing that the act has therapeutic or medical purposes rather than sexual intent. The author argues that this is rape because the woman must consent not only to the nature of the act but also to the character of the act, which in this case would be fraudulently represented and therefore would render consent nugatory. The author also discusses the implications of the two intrinsically different role-identities of a doctor, as a medical professional and as a private individual, in relation to this kind of fraud.

147. Sebba, Leslie and Sorel Cahan. Sex Offenses: The Genuine and the Doubted Victim. *In* Drapkin, Israel C. and Emilio Viano, Eds. *Victimology: A New Focus*. Volume V. *Exploiters and Exploited: The Dynamics of Victimization*. Lexington, Massachusetts, Lexington Books, 1975. p. 29–46.

In this Israeli study, the authors sought to identify factors in rape complaints which affected the criminal justice system's decision to prosecute and the outcome of the case. Data from 151 sexual assault cases taken from

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the 1961 central registry of the Israeli Police Headquarters were analyzed. Certain characteristics of these cases were correlated with decisions made at certain decision points in the system: the police decision to close-out, the prosecutor's decision to file and the determination of guilt. The results revealed several statistically significant correlations relating these decisions to victim characteristics, offender characteristics, victim-offender relationship, location of the incident, and time elapsed before rape was reported. Some of the relationships indicated: the younger the suspect the more likelihood of convicting; the police were more likely to close-out the case if the complainant was married but the prosecutor was more likely to close the file if the complainant was single; married complainants were least likely to complain of rape and their complaints were more likely to be treated as misdemeanors; where there was a prior relationship between victim and offender, the prosecutor was more likely to close-out the case or, if proceeded with, there was less likely to be a conviction; assaults which occurred in buildings or vehicles were less likely to be prosecuted than those occurring out-of-doors; if the assault occurred in the residence of one of the parties, there was less chance of prosecution; and the prosecutor, especially, was less likely to file if the complaint was made more than 24 hours after the incident. The authors point out that these data may now be out of date. However, they conclude, it is clearly indicated by this study that the manner in which the criminal justice system determines which suspect is really an offender, and therefore, which victim is genuine, is not independent of many external features of the case.

148. Smith, J.C. The Heilbron Report. *Criminal Law Review*, February, 1976. p. 97–106.

This is a review and summary of the report of the Heilbron Committee, which was set up to assess the controversial House of Lords decision in the *Morgan v. D.P.P.* rape case. The Committee's report went beyond the issues raised in that case and considered more broadly key factors in the British law of rape. Case law relating to current rape law is discussed. The report gave special attention to such legal issues as mistake of fact, admissibility of evidence concerning the complainant's previous sexual history, and protecting the anonymity of the complainant. The Committee recommended several statutory changes regarding these issues and the author comments on these proposals. The issue of including more women on juries, considered by the committee, is also discussed.

149. Soothill, K. L., Anthea Jack, and T. C. N. Gibbens, Rape: A 22-Year Cohort Study. *Medicine, Science and the Law*, v. 16, no. 1, January, 1976. p. 62–69.

A 22 year follow-up on 119 persons charged with rape in Great Britain in 1951 was conducted to determine the recidivism rates of these offenders. Of the 96 convicted, the subsequent criminal records of only 86 could be traced. This article presents tables and data on the previous convictions of those convicted of rape in 1951 (86 persons), on their subsequent convictions and the number who were subsequently reconvicted for rape. Although the distribution of previous and subsequent offenses remained similar, the proportion of the sample who committed violent offenses tended to fall off whereas the proportion committing sexual offenses before and after the 1951 rape convictions remained about the same. Case reports on the five reconvicted for rape are given. Information on subsequent con-

victions of those acquitted for rape in 1951 and in a different 1961 sample is also presented.

150. South Australia. Criminal Law and Penal Methods Reform Committee. *Special Report: Rape and Other Sexual Offences*. Adelaide, South Australia, 1976. 69 p.

In response to a request by the state attorney-general for examination of and recommendations concerning the current law relating to rape, this report was submitted. The report is divided into sections covering the following topics: the ingredients of rape; statutory offenses other than rape; use of the word "rape"; substituting the term "sexual attack" to designate a crime covering various sexual offenses; extending rape to cover cases to which it does not currently apply, such as rape by juveniles or rape by husbands; statutory definition of rape; use of the words "unlawful carnal knowledge"; age of consent; rape of mentally defective persons; the element of indecency in indecent assault; indecent interference; abduction and procurement; incest; the victim of rape; evidence by the accused at trial; and the jury. A summary of recommendations is given at the end of the report.

151. Stortini, Ray. Preventive Detention of Dangerous Sexual Offenders. *Criminal Law Quarterly*, v. 17, no. 4, August, 1975. p. 416–439.

This article reviews the section of the Canadian Criminal Code which provides for preventive detention of habitual criminals and dangerous sex offenders and then presents a survey of a number of leading court cases, from the 1950's to the 1970's, which dealt with dangerous sex offenders. Some opinions of experts on the efficacy of preventive detention are quoted.

152. Svalastoga, Kaare. Rape and Social Structure. *Pacific Sociological Review*, v. 5, no. 1, Spring, 1962. p. 48–53.

Based on 141 selected cases of rape and attempted rape coming before the court in Denmark from 1946 through 1958, this study investigates the role of relationship and status differentials between offenders and their victims as important components of the social situation that ordinarily accompanies rape. Variations in the sex ratio are used to account for the unequal regional distribution of the crime. Five hypotheses are postulated. The four of these which were supported by the data are: that rape will be more frequent in communities where the sex ratio is larger in the direction of male surplus, assuming no important differences in class structure; that the rapist will more likely be a member of the lower social classes; that rapists and victims will most often have minimal or no previous acquaintance; and that offenders will be of lower status than their victims. The hypothesis that is rejected is that the victim will most likely belong to the upper or middle class.

153. Voigt, Jørgen. Sexual Offences in Copenhagen: A Medicolegal Study. *Forensic Science*, v. 1, April, 1972. p. 67–76.

Examinations were performed over a 10-year period on 650 victims of sexual offenses in Copenhagen and on 60 perpetrators of these offenses selected by the police. Of the 650 offenses, 187 were rape or attempted rape, the second most frequently occurring offense. Tables show classification of victims according to social status, relationship between victim and of-

fender, seasonal distribution of offenses and the 24-hour distribution of offenses. A general medical evaluation of the victims was made and all injuries, infections and mental trauma were noted. Offenders were examined for influence of alcohol or drugs, injuries sustained during the assault and for evidence of recent sexual intercourse. The author mentions the decline in the less serious sexual offenses in Denmark which began in the early 1960's and remarks that some attribute the continuation of that trend to the repeal of pornography laws in the latter 1960's. There has been only a moderate decline in cases of rape and attempted rape.

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